



FEDERAL REGISTER

Vol. 86

Wednesday

No. 50

March 17, 2021

Pages 14525–14688

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see www.federalregister.gov.

The seal of the National Archives and Records Administration authenticates the **Federal Register** as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at www.govinfo.gov, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, gpocusthelp.com.

The annual subscription price for the **Federal Register** paper edition is \$860 plus postage, or \$929, for a combined **Federal Register**, **Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is \$330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register**, including postage, is based on the number of pages: \$11 for an issue containing less than 200 pages; \$22 for an issue containing 200 to 400 pages; and \$33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for \$3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see bookstore.gpo.gov.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 86 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202-512-1800
Assistance with public subscriptions	202-512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche	202-512-1800
Assistance with public single copies	1-866-512-1800 (Toll-Free)

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	FRSubscriptions@nara.gov
Phone	202-741-6000

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: <https://www.gpo.gov/frsubs>.



Contents

Federal Register

Vol. 86, No. 50

Wednesday, March 17, 2021

Agriculture Department

See Forest Service
See Rural Utilities Service
See The U.S. Codex Office

Benefits Review Board, Labor Department

PROPOSED RULES

Rules of Practice and Procedure, 14558–14559

Centers for Medicare & Medicaid Services

RULES

Medicare Program:

Coverage of Innovative Technology and Definition of Reasonable and Necessary; Delay of Effective Date; Public Comment Period, 14542–14545

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 14641–14642

Medicare and Medicaid Programs:

Quarterly Listing of Program Issuances—October Through December 2020, 14629–14639

Meetings:

Advisory Panel on Outreach and Education, 14639–14641

Civil Rights Commission

NOTICES

Meetings:

Nevada Advisory Committee, 14576–14578

South Dakota Advisory Committee, 14576–14577

Meetings; Sunshine Act, 14575–14576

Commerce Department

See Foreign-Trade Zones Board
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration

Comptroller of the Currency

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Credit Risk Retention, 14674–14677

Customer Complaint Form, 14682–14683

International Regulation—Part 28, 14679–14681

Libor Self-Assessment, 14681–14682

Registration of Mortgage Loan Originators, 14678–14679

Defense Department

See Engineers Corps

Education Department

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Grant Performance Report Form, 14614

Program for the International Assessment of Adult Competencies Cycle II 2022 Operational Field Test, 14615

Request for Information:

Supporting the Reopening and Continuing Operation of Schools, Colleges and Universities, and Early Childhood Education Providers, 14616–14618

Employee Benefits Security Administration

NOTICES

Meetings:

Advisory Council on Employee Welfare and Pension Benefit Plans, 14646–14647

Employees Compensation Appeals Board

PROPOSED RULES

Rules of Practice and Procedure, 14557–14558

Employment and Training Administration

PROPOSED RULES

Rules of Practice and Procedure Concerning Filing and Service and Rules Concerning Filing and Service, 14558

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Energy Conservation Program:

Consumer Products: Representative Average Unit Costs of Energy, 14618–14619

Meetings:

Environmental Management Site-Specific Advisory Board, Northern New Mexico, 14619–14620

Engineers Corps

NOTICES

Meetings; Sunshine Act, 14613–14614

Environmental Protection Agency

RULES

Air Quality State Implementation Plans; Approvals and Promulgations:

Missouri; Removal of Control of Emissions From Solvent Cleanup Operations, 14541–14542

PROPOSED RULES

Clean Water Act Effluent Limitations Guidelines and Standards:

Organic Chemicals, Plastics and Synthetic Fibers Point Source Category, 14560–14567

NOTICES

Guidance:

Pesticides; Final Guidance for Waiving Acute Dermal Toxicity Tests for Pesticide Technical Chemicals and Supporting Retrospective Analysis, 14625–14626

Meetings:

Board of Scientific Counselors (BOSC) Sustainable and Health Communities Subcommittee, 14624–14625

Export-Import Bank

NOTICES

Meetings; Sunshine Act, 14626

Federal Aviation Administration

RULES

Airworthiness Directives:

Airbus SAS Airplanes, 14528–14531

Leonardo S.p.a. Helicopters, 14531–14533

Special Conditions:

AgustaWestland Philadelphia Corporation, Leonardo
S.p.A. Model A119 and AW119 MKII Helicopters;
Pressure Refueling and Fueling Provisions, 14526–
14528

PROPOSED RULES

Airspace Designations and Reporting Points:

Sac City, IA, 14556–14557

Airworthiness Directives:

Bombardier, Inc., Airplanes, 14551–14554

Mooney International Corporation Airplanes; Correction,
14554–14556

NOTICES

Intent To Rule on a Land Release Request at Council Bluffs

Municipal Airport (CBF), Council Bluffs, Iowa, 14666–
14667

Waiver of Aeronautical Land Use Assurance:

Independence Municipal Airport, Independence, KS,
14667–14668

Federal Communications Commission

NOTICES

Meetings:

Open Commission, 14627

Privacy Act; Systems of Records, 14626–14627

Federal Contract Compliance Programs Office

PROPOSED RULES

Rules of Practice and Procedure Concerning Filing and
Service and Rules Concerning Filing and Service,
14558

Federal Emergency Management Agency

RULES

Suspension of Community Eligibility, 14545–14549

Federal Energy Regulatory Commission

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals, 14623–14624

Application:

Desert Pumped Storage, LLC, 14620–14621

Combined Filings, 14621–14623

Inviting Post-Technical Conference Comments:

Offshore Wind Integration in RTOs/ISOs, 14622–14623

Meetings:

Increasing Market and Planning Efficiency Through
Improved Software, 14621

Federal Motor Carrier Safety Administration

NOTICES

Qualification of Drivers; Exemption Applications:

Hearing, 14668–14670

Vision, 14670–14672

Federal Reserve System

NOTICES

Change in Bank Control:

Acquisitions of Shares of a Bank or Bank Holding
Company, 14628

Formations of, Acquisitions by, and Mergers of Bank
Holding Companies, 14627–14628

Formations of, Acquisitions by, and Mergers of Savings and
Loan Holding Companies, 14628

Federal Retirement Thrift Investment Board

NOTICES

Meetings:

Board Meeting, 14628–14629

Foreign Assets Control Office

RULES

Inflation Adjustment of Civil Monetary Penalties, 14534–
14539

NOTICES

Blocking or Unblocking of Persons and Properties, 14683–
14684

Foreign-Trade Zones Board

NOTICES

Proposed Production Activity:

AstraZeneca Pharmaceuticals, LP, Foreign-Trade Zone
177, Evansville, IN, 14578

Forest Service

NOTICES

Meetings:

Black Hills Resource Advisory Committee, 14572

El Dorado County Resource Advisory Committee, 14574–
14575

Ketchikan Resource Advisory Committee, 14575

Lincoln Resource Advisory Committee, 14575

Missoula Resource Advisory Committee, 14572–14573

North Central Idaho Resource Advisory Committee,
14573–14574

Health and Human Services Department

See Centers for Medicare & Medicaid Services

See Health Resources and Services Administration

See National Institutes of Health

PROPOSED RULES

National Vaccine Injury Compensation Program:

Revisions to the Vaccine Injury Table, 14567–14570

Health Resources and Services Administration

NOTICES

Meetings:

National Advisory Council on Migrant Health, 14642

Homeland Security Department

See Federal Emergency Management Agency

Industry and Security Bureau

RULES

Expansion of Certain End-Use and End-User Controls and
Controls on Specific Activities of United States
Persons; Correction, 14534

Interior Department

See National Park Service

Internal Revenue Service

NOTICES

Low Income Taxpayer Clinic Grant Program; Availability of
2021 Supplemental Grant Application Package, 14684–
14685

International Trade Administration

NOTICES

Antidumping or Countervailing Duty Investigations, Orders,
or Reviews:

Certain Hot-Rolled Steel Flat Products From Brazil,
14578–14579

International Trade Commission**NOTICES**

Investigations; Determinations, Modifications, and Rulings, etc.:

Certain Electric Shavers and Components and Accessories Thereof, 14645–14646

Justice Department**NOTICES**

Proposed Settlement Agreement:

CERCLA and the Pennsylvania Hazardous Sites Cleanup Act, 14646

Labor Department

See Benefits Review Board, Labor Department

See Employee Benefits Security Administration

See Employees Compensation Appeals Board

See Employment and Training Administration

See Federal Contract Compliance Programs Office

See Labor-Management Standards Office

See Occupational Safety and Health Administration

See Wage and Hour Division

See Workers Compensation Programs Office

PROPOSED RULES

Rules of Practice and Procedure Concerning Filing and Service and Rules Concerning Filing and Service, 14558

Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges, 14559

NOTICES

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Training Plans and Records of Training, for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines, 14647–14648

Labor-Management Standards Office**PROPOSED RULES**

Rules of Practice and Procedure Concerning Filing and Service and Rules Concerning Filing and Service, 14558

National Highway Traffic Safety Administration**NOTICES**

Denial of Petition for Decision:

Nonconforming Model Year 2017–2019 Mercedes-Benz Maybach S600 Pullman Passenger Cars Are Eligible for Importation, 14672–14674

National Institutes of Health**NOTICES**

Meetings:

Center for Scientific Review, 14643

National Institute of Allergy and Infectious Diseases, 14642–14643

National Oceanic and Atmospheric Administration**RULES**

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:

Commercial Longline Fishery for South Atlantic Golden Tilefish; Re-Opening and Subsequent Closure, 14549–14550

NOTICES

Atlantic Coastal Fisheries Cooperative Management Act Provisions:

General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits, 14596–14597

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits, 14605–14606

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits, 14597

Meetings:

North Pacific Fishery Management Council, 14605

Permit Application:

Marine Mammals; File No. 18786, 14612–14613

Return Link Service Authorization in the United States

Search and Rescue Region, 14595–14596

Takes of Marine Mammals Incidental to Specified

Activities:

Incidental to Army Corps of Engineers Port San Luis Breakwater Repair Project, Avila Beach, CA, 14579–14595

Incidental to the Parallel Thimble Shoal Tunnel Project in Virginia Beach, VA, 14606–14612

Portsmouth Naval Shipyard Dry Dock 1 Modification and Expansion, 14598–14605

National Park Service**NOTICES**

National Register of Historic Places:

Pending Nominations and Related Actions, 14643–14645

National Telecommunications and Information Administration**NOTICES**

Request for Applications:

Commerce Spectrum Management Advisory Committee, 14613

Nuclear Regulatory Commission**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:

Fitness-for-Duty Programs, 14649–14650

Licensing Requirements for Land Disposal of Radioactive Waste, 14652–14653

Draft Regulatory Guide:

Emergency Response Planning and Preparedness for Nuclear Power Reactors, 14651–14652

Occupational Safety and Health Administration**PROPOSED RULES**

Rules of Practice and Procedure Concerning Filing and Service and Rules Concerning Filing and Service, 14558

Postal Service**RULES**

Rules Governing Compliance With Subpoenas, Summonses, and Court Orders for the Office of Inspector General, 14539–14541

Rural Utilities Service**RULES**

Revolving Fund Program:

Water and Environmental Provisions of the Agricultural Improvement Act, 14525–14526

Securities and Exchange Commission**NOTICES**

Self-Regulatory Organizations; Proposed Rule Changes:

MIAX PEARL, LLC, 14653–14656, 14659–14661

Nasdaq PHLX, LLC, 14661–14664
New York Stock Exchange, LLC, 14656–14659

State Department**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Foreign Service Officer Test Registration Form, 14664–
14665
Refugee Biographic Data, 14665–14666

Surface Transportation Board**NOTICES**

Abandonment Exemption:
CSX Transportation, Inc., Boone County, West Virginia,
14666

The U.S. Codex Office**NOTICES**

Meetings:
Codex Committee on Food Additives, 14571–14572

Transportation Department

See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See National Highway Traffic Safety Administration

Treasury Department

See Comptroller of the Currency
See Foreign Assets Control Office
See Internal Revenue Service

Unified Carrier Registration Plan**NOTICES**

Meetings; Sunshine Act, 14685

Veterans Affairs Department**NOTICES**

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Authorization and Consent to Release Information to the
Department of Veterans Affairs, and General Release
for Medical Provider Information to the Department
of Veterans Affairs, 14687
Information Regarding Apportionment of Beneficiary's
Award, 14686–14687
Report of Medical, Legal, and Other Expenses Incident to
Recovery for Injury or Death, 14686

Wage and Hour Division**PROPOSED RULES**

Rules of Practice and Procedure Concerning Filing and
Service and Rules Concerning Filing and Service,
14558

NOTICES

Agency Information Collection Activities; Proposals,
Submissions, and Approvals:
Special Employment Under the Fair Labor Standards Act,
14648–14649

Workers Compensation Programs Office**PROPOSED RULES**

Rules of Practice and Procedure Concerning Filing and
Service and Rules Concerning Filing and Service,
14558

Reader Aids

Consult the Reader Aids section at the end of this issue for
phone numbers, online resources, finding aids, and notice
of recently enacted public laws.

To subscribe to the Federal Register Table of Contents
electronic mailing list, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your e-mail
address, then follow the instructions to join, leave, or
manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR	598.....14534
1783.....14525	
14 CFR	39 CFR
27.....14526	230.....14539
39 (2 documents) .....14528, 14531	40 CFR
Proposed Rules:	52.....14541
39 (2 documents) .....14551, 14554	Proposed Rules:
71.....14556	414.....14560
15 CFR	41 CFR
744.....14534	Proposed Rules:
20 CFR	60–30.....14558
Proposed Rules:	42 CFR
501.....14557	405.....14542
641.....14558	Proposed Rules:
655.....14558	100.....14567
658.....14558	44 CFR
667.....14558	64.....14545
683.....14558	50 CFR
726.....14558	622.....14549
802.....14558	
29 CFR	
Proposed Rules:	
7.....14558	
8.....14558	
18.....14559	
22.....14558	
24.....14558	
26.....14558	
29.....14558	
37.....14558	
38.....14558	
96.....14558	
417.....14558	
458.....14558	
500.....14558	
525.....14558	
530.....14558	
580.....14558	
1978.....14558	
1979.....14558	
1980.....14558	
1981.....14558	
1982.....14558	
1983.....14558	
1984.....14558	
1985.....14558	
1986.....14558	
1987.....14558	
1988.....14558	
31 CFR	
501.....14534	
510.....14534	
535.....14534	
536.....14534	
539.....14534	
541.....14534	
542.....14534	
544.....14534	
546.....14534	
547.....14534	
548.....14534	
549.....14534	
552.....14534	
560.....14534	
561.....14534	
566.....14534	
576.....14534	
583.....14534	
584.....14534	
588.....14534	
592.....14534	
594.....14534	
597.....14534	

Rules and Regulations

Federal Register

Vol. 86, No. 50

Wednesday, March 17, 2021

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1783

[Docket No. RUS-20-WATER-0033]

RIN 0572-AC52

Revolving Fund Program—Water and Environmental Provisions of the Agricultural Improvement Act of 2018

AGENCY: Rural Utilities Service, Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The Rural Utilities Service (RUS) is issuing a final rule to implement statutory provisions of the Agriculture Improvement Act of 2018 (2018 Farm Bill). The intent of this rule is to modify an existing regulation to include the statutory revision authorized by the 2018 Farm Bill.

DATES: This final rule is effective March 17, 2021.

FOR FURTHER INFORMATION CONTACT: James Fritz Wehrer, Rural Development, U.S. Department of Agriculture, STOP, 1400 Independence Ave. SW, Washington, DC 20250-1550, Telephone number: 413-253-4303.

SUPPLEMENTARY INFORMATION:

Executive Order 12866—Classification

This final rule has been determined to be not significant for the purposes of Executive Order 12866, Regulatory Planning and Review, and therefore has not been reviewed by the Office of Management and Budget (OMB).

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not a major rule, as defined by 5 U.S.C. 804(2).

Executive Order 12988—Civil Justice Reform

This final rule has been reviewed under Executive Order 12988, Civil

Justice Reform. The Agency has determined that this rule meets the applicable standards provided in section 3 of the Executive order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted. No retroactive effect will be given to this rule and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)), administrative appeal procedures must be exhausted before an action against the Department or its agencies may be initiated.

Catalog of Federal Domestic Assistance and Executive Order 12372—Intergovernmental Consultation

The program affected by this rule is listed in the Catalog of Federal Domestic Assistance (CFDA) under number 10.864, Grant Program to Establish a Fund for Financing Water and Wastewater Projects, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials.

The Catalog is available on the internet at <https://beta.sam.gov/>. The *SAM.gov* website also contains a PDF file version of the Catalog that, when printed, has the same layout as the printed document that the Government Printing Office (GPO) provides. GPO prints and sells the CFDA to interested buyers. For information about purchasing the Catalog of Federal Domestic Assistance from GPO, call the Superintendent of Documents at (202) 512-1800 or toll free at (866) 512-1800, or access GPO's online bookstore at <https://bookstore.gpo.gov/>.

Executive Order 13771

The program affected by this rulemaking is not subject to Executive Order 13771 as it is considered a transfer program and is exempt from the Executive Order.

Regulatory Flexibility Act Certification

RUS has determined that this final rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Environmental Impact Statement

This final rule has been examined under Agency environmental

regulations at 7 CFR part 1970. The Administrator has determined that this is not a major Federal action significantly affecting the environment. Therefore, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an Environmental Impact Statement is not required.

Unfunded Mandates

This final rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for state, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

E-Government Act Compliance

RUS is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Executive Order 13132, Federalism

The policies contained in this final rule do not have any substantial direct effect on states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. Nor does this final rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the states is not required.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This final rule has been reviewed in accordance with the requirements of Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments." Executive Order 13175 requires federal agencies to consult and coordinate with tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes or on the distribution of power and responsibilities between the

Federal Government and Indian tribes. Rural Development has assessed the impact of this rule on Indian tribes and determined that this rule does not, to our knowledge, have tribal implications that require tribal consultation under E.O. 13175. If a tribe would like to engage in consultation with Rural Development on this rule, please contact Rural Development's Native American Coordinator at (720) 544-2911 or ALAN@usda.gov.

Civil Rights Impact Analysis

Rural Development has reviewed this rule in accordance with USDA Regulation 4300-4, Civil Rights Impact Analysis, "to identify any major civil rights impacts the rule might have on program participants on the basis of age, race, color, national origin, sex or disability." After review and analysis of the rule and available data, it has been determined that implementation of the rule is not likely to adversely or disproportionately impact very low, low and moderate income populations, minority populations, women, Indian tribes or persons with disability by virtue of their race, color, national origin, sex, age, disability, or marital or familial status. No major civil rights impact is likely to result from this rule.

Information Collection and Recordkeeping Requirements

This final rule contains no new reporting or recordkeeping burdens under OMB control number 0572-0138 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, familial/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the

responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992, submit your completed form or letter to USDA by: (1) *Mail*: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250-9410; (2) *Fax*: (202) 690-7442; or (3) *E-Mail*: OAC@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Background

Rural Development is a mission area within the USDA comprising the Rural Utilities Service, Rural Housing Service, and Rural Business/Cooperative Service. Rural Development's mission is to increase economic opportunity and improve the quality of life for all rural Americans. Rural Development meets its mission by providing loans, loan guarantees, grants, and technical assistance through more than 40 programs aimed at creating and improving housing, businesses, and infrastructure throughout rural America.

The Agriculture Improvement Act of 2018 (2018 Farm Bill) made mandatory changes to several programs administered by the Water and Environmental Programs of the Rural Utilities Service, including the Revolving Funds for Financing Water and Wastewater Projects (Revolving Fund Program).

The modification to this regulation will allow RUS to fully implement the change to the program required by the 2018 Farm Bill. This change will also allow for expanded assistance to rural communities to improve safe, reliable drinking water, and sanitary sewage treatment for households in rural areas.

The Revolving Fund Program (7 CFR part 1783) provides grants to enable qualified private, non-profit entities to capitalize revolving funds for the purpose of providing financing to eligible entities for pre-development costs associated with proposed water and wastewater projects or with existing water and wastewater systems, and

short-term costs incurred for replacement equipment, small-scale extension of services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems. The modification increases the amount allowed for total project costs from \$100,000 to \$200,000.

List of Subjects in 7 CFR Part 1783

Business and industry, Community development, Community facilities, Grant programs-housing and community development, Reporting and recordkeeping requirements, Rural areas, Waste treatment and disposal, Water supply, Watersheds.

Accordingly, for reasons set forth in the preamble, 7 CFR part 1783 is amended as follows:

PART 1783—REVOLVING FUNDS FOR FINANCING WATER AND WASTEWATER PROJECTS (REVOLVING FUND PROGRAM)

■ 1. The authority citation for part 1783 continues to read as follows:

Authority: 7 U.S.C. 1926 (a)(2)(B).

Subpart C—Revolving Fund Program Loans

■ 2. Amend § 1783.15 by revising paragraph (a)(3) to read as follows:

§ 1783.15 What are the terms of RFP loans?

(a) * * *

(3) Shall not exceed the lesser of \$200,000 or 75 percent of the total cost of a project. The total outstanding balance for all loans under this program to any one entity shall not exceed \$200,000.

* * * * *

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2021-05418 Filed 3-16-21; 8:45 am]

BILLING CODE 3410-15-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 27

[Docket No. FAA-2020-1011; Notice No. 27-051-SC]

Special Conditions: AgustaWestland Philadelphia Corporation, Leonardo S.p.A. Model A119 and AW119 MKII Helicopters; Pressure Refueling and Fueling Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Leonardo S.p.A. (Leonardo) Model A119 and AW119 MKII helicopters. These helicopters as modified by AgustaWestland Philadelphia Corporation (AWPC) will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for helicopters. This design feature is the optional closed circuit refueling receiver (CCRR). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Effective April 16, 2021.

FOR FURTHER INFORMATION CONTACT: Rao Edupuganti, Dynamic Systems Section, AIR-627, Policy and Innovation Division, Aircraft Certification Service, 10101 Hillwood Parkway, Fort Worth, Texas 76177; telephone (817) 222-4389.

SUPPLEMENTARY INFORMATION:

Background

On January 30, 2020, AWPC applied for a supplemental type certificate to install an optional CCRR in the Leonardo Model A119 and AW119 MKII helicopters. The general configuration and the principles of construction of these helicopters will not be changed by the modifications. These helicopters are 14 CFR part 27 normal category helicopters powered by turboshaft engines, with a 7-passenger maximum capacity and minimum crew of one pilot and a maximum weight of 5,997 lb (2,720 kg) and 6,283 lb (2,850 kg), respectively. The total useable fuel capacity of the Leonardo Model A119 and AW119 MKII helicopters is 157.0 U.S. gallons distributed within the fuel tanks. Both helicopter models are powered by one Pratt & Whitney Canada Inc. PT6B-37A turboshaft engine.

Part 27 does not contain requirements for pressure refueling for normal category helicopters. Title 14 CFR 29.979, amendment 29-12, provides these requirements for transport category helicopters. Accordingly, these special conditions are based on § 29.979 to provide requirements for the inclusion of the optional CCRR on the Leonardo Model A119 and AW119 MKII helicopters.

Type Certification Basis

Under the provisions of 14 CFR 21.101, AWPC must show that the

Leonardo Model A119 and AW119 MKII helicopters, as changed, continue to meet the applicable provisions of the regulations listed in Type Certificate No. H7EU or the applicable regulations in effect on the date of application for the change. The regulations adopted by reference in the type certificate are commonly referred to as the “original type certification basis.” The certification basis also includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

The Administrator has determined that the applicable airworthiness regulations do not contain adequate or appropriate safety standards for the Leonardo Model A119 and AW119 MKII helicopters because of a novel or unusual design feature. Therefore, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.101.

Novel or Unusual Design Feature

The Leonardo Model A119 and AW119 MKII helicopters will incorporate the following novel or unusual design feature: An optional CCRR system that allows for pressure refueling.

Discussion

AWPC proposed to install an optional CCRR system that includes provisions for pressure refueling during ground operations with the engine running and the rotors turning. The design proposed by AWPC allows for both closed-circuit pressure and normal gravity refueling and fueling. In this design, the ground crew will be able to perform closed-circuit pressure refueling by pulling the receiver into place using the provided lanyard tool after the fuel filler cap is opened. When gravity fueling is desired, a latch is depressed using the same lanyard tool. Depressing the latch causes the receiver to swing open to accommodate any nozzle up to three inches in diameter. The CCRR system is currently certified on the Leonardo Model AW139 transport category helicopter. Relative to the Model

AW139 installation, the Model A119 and AW119 MKII installations will be clocked 25 degrees counter-clockwise, and the receptacle flange will be offset approximately two inches outboard of the fuselage profile due to packaging constraints. The mechanical components and functional aspects of the Model A119 and AW119 MKII CCRR installations are unchanged from the previously certified AW139 installation.

The part 27 airworthiness regulations in the type certification basis do not contain appropriate safety standards for this design feature. However, part 29 regulations contain appropriate airworthiness standards; therefore, these special conditions are necessary. They are derived from 14 CFR 29.979, “Pressure refueling and fueling provisions below fuel level.”

Section 29.979, amendment 29-12, effective February 1, 1977, includes standards for pressure refueling and fueling provisions below fuel level on transport category helicopters. This regulation is intended to prevent hazards to ground crew, flight crew, and occupants by reducing the probability of exposure to hazardous quantities of fuel due to spillage. This regulation also ensures the pressure refueling/defueling system is designed to prevent overfilling the fuel tank and to withstand an ultimate load overpressure event without failure.

Section 29.979(a) requires that each fueling connection below the fuel level in each tank have means to prevent the escape of hazardous quantities of fuel from that tank in case of malfunction of the fuel entry valve. The only refueling connection on the Leonardo Model A119 and AW119 MKII helicopters is located above the fuel level of the single main upper, two main lower, and optional two auxiliary fuel tanks. As the proposed modification by AWPC does not move the existing refueling connection below the fuel line of any fuel tank, these special conditions do not include a requirement derived from 14 CFR 29.979(a).

Section 29.979(b) requires that systems intended for pressure refueling and fueling have a means in addition to the normal means for limiting the tank content to prevent damage to the tank in case of failure of the normal means.

Section 29.979(c) requires that the helicopter pressure fueling system (not fuel tanks and fuel tank vents) withstand an ultimate load that is 2.0 times the load arising from the maximum pressure, including surge, likely to occur during fueling. The maximum surge pressure must be established with any combination of

tank valves being either intentionally or inadvertently closed.

Section 29.979(d) requires that the helicopter defueling system (not including fuel tanks and fuel tank vents) withstand an ultimate load that is 2.0 times the load arising from the maximum permissible defueling pressure (positive or negative) at the helicopter's fueling connection. As the design proposed by AWPC does not include a defueling capability, these special conditions do not include a requirement derived from 14 CFR 29.979(d).

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Discussion of Comments

The FAA issued Notice of Proposed Special Conditions No. 27–051–SC for the Leonardo Model A119 and AW119 MKII helicopters, which was published in the **Federal Register** on November 2, 2020 (85 FR 69265). No comments were received, and the special conditions are adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to Leonardo Model A119 and AW119 MKII helicopters. Should AWPC apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. H7EU to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only one novel or unusual design feature on the Leonardo Model A119 and AW119 MKII helicopters. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on these helicopters.

List of Subjects in 14 CFR Part 27

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are

issued as part of the type certification basis for Leonardo S.p.A. Model A119 and AW119 MKII helicopters, as modified by AgustaWestland Philadelphia Corporation.

The pressure refueling system must be designed and installed as follows:

(a) For systems intended for pressure refueling, a means in addition to the normal means for limiting the tank content must be installed to prevent damage to the fuel tank in case of failure of the normal means.

(b) The helicopter pressure fueling system (not fuel tanks and fuel tank vents) must withstand an ultimate load that is 2.0 times the load arising from maximum pressure, including surge, that is likely to occur during fueling. The maximum surge pressure must be established with any combination of tank valves being either intentionally or inadvertently closed.

Issued in Fort Worth, Texas, on December 11, 2020.

Jorge Castillo,

Manager, Rotorcraft Standards Branch, AIR–680, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2021–05263 Filed 3–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2020–0914; Product Identifier 2020–NM–058–AD; Amendment 39–21463; AD 2021–05–20]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2018–16–02, which applied to all Airbus SAS Model A318–111 and –112 airplanes; Model A319–111, –112, –113, –114, and –115 airplanes; Model A320–211, –212, –214, and –216 airplanes; and Model A321–111, –112, –211, –212, and –213 airplanes. AD 2018–16–02 required modifying and re-identifying the 3-lug aft engine mount assemblies. This AD continues to require modifying and re-identifying the 3-lug aft engine mount assemblies, and also requires modifying and re-identifying the 4-lug aft engine mount assemblies; as specified in a European Union Aviation Safety Agency

(EASA) AD, which is incorporated by reference. This AD was prompted by a report of a production quality deficiency on the inner retainer installed on link assemblies of the aft engine mount, which could result in failure of the retainer. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 21, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 21, 2021.

ADDRESSES: For material incorporated by reference (IBR) in this AD, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADS@easa.europa.eu; internet: www.easa.europa.eu. You may find this IBR material on the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0914.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0914; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3223; email: sanjay.ralhan@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2020–0085, dated April 6, 2020 (EASA AD 2020–0085) (also referred to as the

Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Airbus SAS Model A318–111 and –112 airplanes; Model A319–111, –112, –113, –114, and –115 airplanes; Model A320–211, –212, –214, –215, and –216 airplanes; and Model A321–111, –112, –211, –212, and –213 airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2018–16–02, Amendment 39–19342 (83 FR 39326, August 9, 2018) (AD 2018–16–02). AD 2018–16–02 applied to all Airbus SAS Model A318–111 and –112 airplanes, Model A319–111, –112, –113, –114, and –115 airplanes, Model A320–211, –212, –214, and –216 airplanes, and Model A321–111, –112, –211, –212, and –213 airplanes. The NPRM published in the **Federal Register** on October 14, 2020 (85 FR 64984). The NPRM was prompted by a report of a production quality deficiency on the inner retainer installed on link assemblies of the aft engine mount, which could result in failure of the retainer. The NPRM proposed to continue to require modifying and re-identifying the 3-lug aft engine mount assemblies, as specified in an EASA AD. The NPRM also proposed to require modifying and re-identifying the 4-lug aft engine mount assemblies, as specified in an EASA AD.

The FAA is issuing this AD to address non-conforming retainers of the aft engine mount. This condition could result in loss of the locking feature of the nuts of the inner and outer pins; loss of the pins will result in the aft engine link no longer being secured to the aft engine mount, possibly resulting in damage to the airplane. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

Support for the NPRM

The Air Line Pilots Association, International (ALPA) expressed support for the NPRM.

Request for Consistency in Used Terms

Delta Air Lines (DAL) requested that, for consistency, the FAA remove the parenthesis around the terms 3-lug and 4-lug under the Actions Since AD 2018–

16–02 Was Issued heading in the NPRM. No further justification was provided.

The FAA agrees that the change would have provided consistency in terminology. However, that portion of the NPRM is not restated in this final rule; therefore, no change has been made to this final rule in this regard.

Request To Remove Duplicate Wording

DAL requested that the FAA revise the NPRM to remove duplicate wording “procedures for” under the Related IBR Material Under 1 CFR part 51 heading. DAL pointed out that the duplicate wording is a typographical error.

The FAA agrees for the reasons provided and has updated this final rule accordingly.

Request To Clarify Whether Model CFM56–5B and –5C Engines are Affected

United Airlines (UAL) requested that the FAA clarify whether the NPRM affects airplanes equipped with CFM International, S.A. Model CFM56–5B and –5C engines that are fitted with a turbine rear frame (TRF) with a 4-lug configuration.

The FAA agrees to clarify. EASA AD 2020–0085 defines a 4-lug engine as a “CFM56–5A1, CFM56–5A3, CFM56–5A4, CFM56–5A4/F, CFM56–5A5 or CFM56–5A5/F engines, fitted with a turbine rear frame (TRF) having a P/N [part number] as identified in Appendix 1 of [EASA AD 2020–0085].” The FAA has not received any information regarding Model CFM56–5B and –5C engines that would cause the FAA to determine that those engine models are subject to the identified unsafe condition; therefore, those engines are not included in the applicability of this AD. However, should the FAA receive information that the Model CFM56–5B and –5C engines are subject to the identified unsafe condition, the FAA may consider additional rulemaking at that time. This final rule has not been changed in this regard.

Request To Extend Compliance Time for Parked Airplanes

DAL requested that the FAA extend the compliance time specified in the NPRM for airplanes that are parked due to the ongoing COVID–19 pandemic. DAL pointed out that many operators have had to park airplanes, and that there is uncertainty regarding any return to service schedule. DAL mentioned that parked aircraft/engines are not operating and, therefore, do not accrue time/cycles. DAL then specified the belief that any deadline for modification and re-identification should be

extended by adding the duration of parking.

The FAA disagrees with the request. DAL indicated concern related to the retained requirements of the AD 2018–16–02. The unsafe condition is the result of a production deficiency that can cause pitting corrosion, which is not directly related to the accumulation of flight cycles or flight hours. Corrosion growth is normally related to calendar time and it is unknown if pitting corrosion is arrested while the airplane is in long term storage/parking and therefore the FAA does not agree with the request to provide a compliance time extension for parked airplanes. However, under the provisions of paragraph (k)(1) of this AD, the FAA may approve requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety. This AD has not been changed in this regard.

Request To Clarify Use of “Production Quality Deficiency”

DAL requested that the FAA revise paragraph (h)(5) of the NPRM to better define the production quality deficiency that prompted the NPRM. DAL pointed out that the NPRM does not define the production quality deficiency, and does not refer to any other document for a definition.

The FAA partially agrees. During in-service inspections, several aft engine mount inner retainers, fitted on airplanes equipped with Model CFM56–5A/5B engines, were found broken. Investigation identified that the main cause of crack initiation was the vibration dynamic effect that affects the retainers, and that the “dull” surface finish pitting is an aggravating factor when compared with the “bright” surface finishing. The “dull” surface finish pitting is the production quality deficiency. The FAA has not revised paragraph (h)(5) of this AD, but has instead added paragraph (g) of this AD to include the definition of the production quality deficiency. Subsequent paragraphs have been redesignated have accordingly.

Request To Correct Reference to AD 2018–16–02

DAL requested that the FAA revise paragraph (h)(7) of the proposed AD to correct the reference to AD 2018–16–02.

The FAA agrees for the reasons provided and has updated paragraph (i)(7) of this AD (paragraph (h)(7) of the proposed AD) accordingly.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and

- Do not add any additional burden upon the public than was already proposed in the NPRM.

The FAA also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

EASA AD 2020–0085 describes procedures for modifying and re-

identifying the aft engine mount retainer assembly. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 119 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2018–16–02	20 work-hours × \$85 per hour = \$1,700	\$3,152	\$4,852	\$577,388
New actions	16 work-hours × \$85 per hour = \$1,360	4,362	5,722	680,918

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by:
 - a. Removing Airworthiness Directive 2018–16–02, Amendment 39–19342 (83 FR 39326, August 9, 2018), and
 - b. Adding the following new airworthiness directive:

2021–05–20 Airbus SAS: Amendment 39–21463; Docket No. FAA–2020–0914; Product Identifier 2020–NM–058–AD.

(a) Effective Date

This airworthiness directive (AD) is effective April 21, 2021.

(b) Affected ADs

- (1) This AD replaces AD 2018–16–02, Amendment 39–19342 (83 FR 39326, August 9, 2018) (AD 2018–16–02).
- (2) This AD affects AD 2016–14–09, Amendment 39–18590 (81 FR 44989, July 12, 2016) (AD 2016–14–09).
- (3) This AD affects AD 2017–04–10, Amendment 39–18805 (82 FR 11791, February 27, 2017) (AD 2017–04–10).

(c) Applicability

This AD applies to all the Airbus SAS airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category.

- (1) Model A318–111 and –112 airplanes.
- (2) Model A319–111, –112, –113, –114, and –115 airplanes.
- (3) Model A320–211, –212, –214, and –216 airplanes.
- (4) Model A321–111, –112, –211, –212, and –213 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 71, Powerplant.

(e) Reason

This AD was prompted by a report of a production quality deficiency on the inner retainer installed on link assemblies of the aft engine mount, which could result in failure of the retainer. The FAA is issuing this AD to address non-conforming retainers of the aft engine mount. This condition could result in loss of the locking feature of the nuts of the inner and outer pins; loss of the pins will result in the aft mount engine link no longer being secured to the aft engine mount, possibly resulting in damage to the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Definition

For the purposes of this AD, the production quality deficiency is defined as a “dull” finish, which is caused by surface finish pitting, and is an aggravating factor to crack initiation from vibration dynamic effect when compared with the “bright” surface finish.

(h) Requirements

Except as specified in paragraph (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, paragraphs (3) through (6), (8), (9), (11), and (12) of European Union Aviation Safety Agency (EASA) AD 2020–0085, dated April 6, 2020 (EASA AD 2020–0085).

(i) Exceptions to EASA AD 2020–0085

(1) Where EASA AD 2020–0085 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2020–0085 refers to August 16, 2017 (the effective date of EASA AD 2017–0138, dated August 2, 2017), this AD requires using September 13, 2018 (the effective date of AD 2018–16–02).

(3) Where EASA AD 2020–0085 refers to December 15, 2017 (the issue date of EASA AD 2017–0251), this AD requires using September 13, 2018 (the effective date of AD 2018–16–02).

(4) The “Remarks” section of EASA AD 2020–0085 does not apply to this AD.

(5) Where paragraph (8) of EASA AD 2020–0085 specifies “do not operate any airplane having installed a, and do not install on any airplane a ‘dull’ finish aft engine mount inner retainer,” for this AD, do not operate any airplane having installed any inner retainers affected by the production quality deficiency (as defined in paragraph (g) of this AD), and do not install on any airplane a ‘dull’ finish aft engine mount inner retainer.

(6) Where paragraph (9.3) of EASA AD 2020–0085 refers to January 27, 2016 (the effective date of EASA AD 2016–0010, dated January 13, 2016), this AD requires using April 3, 2017 (the effective date of AD 2017–04–10).

(7) Where paragraph (12) of EASA AD 2020–0085 specifies a compliance time of “before next flight after December 15, 2017,” for this AD, that compliance time is “within 30 days after September 13, 2018” (the effective date of AD 2018–16–02.)

(j) Terminating Action for AD 2016–14–09 and AD 2017–04–10

(1) Modification of an airplane as required by paragraph (h) of this AD (*i.e.*, accomplishing the modification required by paragraph (3) of EASA AD 2020–0085, the replacement specified in paragraph (4) of EASA AD 2020–0085, or the modification specified in paragraph (5) of EASA AD 2020–0085), constitutes terminating action for the repetitive detailed inspections required by paragraph (l) of AD 2016–14–09 for that airplane.

(2) Modification of an airplane as required by paragraph (h) of this AD (*i.e.*, accomplishing the modification required by paragraph (3) of EASA AD 2020–0085, the replacement specified in paragraph (4) of EASA AD 2020–0085, or the modification specified in paragraph (5) of EASA AD 2020–0085), is a method of compliance with the requirements of paragraph (g) of AD 2017–04–10 for that airplane.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, Large Aircraft Section, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the Large Aircraft

Section, International Validation Branch, send it to the attention of the person identified in paragraph (l) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(ii) AMOCs approved previously for AD 2018–16–02 are approved as AMOCs for the corresponding provisions of EASA AD 2020–0085 that are required by paragraph (g) of this AD.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS’s EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC)*: Except as required by paragraph (k)(2) of this AD, if any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator’s maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(l) Related Information

For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, Large Aircraft Section, International Validation Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; phone and fax: 206–231–3223; email: sanjay.ralhan@faa.gov.

(m) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2020–0085, dated April 6, 2020.

(ii) [Reserved]

(3) For EASA AD 2020–0085, contact the EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: ADs@easa.europa.eu; internet www.easa.europa.eu. You may find this EASA AD on the EASA website at <https://ad.easa.europa.eu>.

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. This material may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2020–0914.

www.regulations.gov by searching for and locating Docket No. FAA–2020–0914.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov, or go to: <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on March 1, 2021.

Ross Landes,

Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05534 Filed 3–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. FAA–2018–0309; Project Identifier 2018–SW–014–AD; Amendment 39–21456; AD 2021–05–13]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Leonardo S.p.a. (Leonardo) Model AW189 helicopters. This AD was prompted by two reported failures of the tail plane installation forward bolts (bolts). This AD requires inspecting the bolts and depending on the results of those inspections, removing certain parts from service or installing a tail plane retromod. This AD also requires torquing certain part-numbered nuts, inspecting bolts and nuts for wear, and depending on the results of those inspections, removing parts from service. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective April 21, 2021.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of April 21, 2021.

ADDRESSES: For service information identified in this final rule, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at <https://www.leonardocompany.com/en/home>. You may view this service information at the FAA, Office of the Regional

Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817-222-5110.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0309; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Scott Franke, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817-222-5178; email scott.franke@faa.gov.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency AD 2018-0047-E, dated February 28, 2018 (also referred to as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Leonardo S.p.A. (formerly Finmeccanica S.p.A., AgustaWestland S.p.A.) Model AW189 helicopters. You may examine the MCAI in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0309.

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Leonardo Model AW189 helicopters. The NPRM published in the **Federal Register** on December 15, 2020 (85 FR 81160). The NPRM was prompted by two reported failures of the bolts. The NPRM proposed to require inspecting the bolts and depending on the results of those inspections, removing certain parts from service or installing a tail plane retromod. The NPRM also proposed to require torquing certain part-numbered nuts, inspecting bolts and nuts for wear, and depending on the results of those inspections, removing parts from service.

The FAA is issuing this AD to address the failure of a bolt. This condition could result in reduced control of the helicopter. See the MCAI for additional background information.

Comments

The FAA gave the public the opportunity to participate in developing this final rule. The FAA received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

The FAA reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed, except for minor editorial changes. The FAA has determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for addressing the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

Related Service Information Under 1 CFR Part 51

The FAA reviewed Leonardo Helicopters Emergency Alert Service Bulletin No. 189-177, Revision A, dated February 28, 2018, which contains procedures for inspecting each bolt and installing the tail plane retromod. This service information also contains procedures for repetitively verifying the torque of the associated nut part number (P/N) MS17825-7 (nut).

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Service Information

Leonardo Helicopters Service Bulletin No. 189-130, dated January 30, 2017, contains additional information about the subject of this AD.

Differences Between This AD and the MCAI

The EASA AD requires repetitive torque checks at progressively increasing intervals, while this AD requires the repetitive torque check at intervals not to exceed 50 hours time-in-service (TIS). Since there is not enough field data at this time to substantiate progressively increasing the time between inspections up to 400 hours TIS, the FAA has determined an interval of 50 hours TIS is necessary. The FAA may take further rulemaking action to increase this interval should more data become available.

Interim Action

The FAA considers this AD to be an interim action. If final action is later identified, the FAA might consider further rulemaking then.

Costs of Compliance

The FAA estimates that this AD affects 4 helicopters of U.S. Registry. The FAA estimates that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at \$85 per work-hour.

Inspecting the bolts before each flight takes about 0.25 work-hour, for an estimated cost of \$21 per helicopter and \$84 for the U.S. fleet per inspection cycle.

If required, installing a tail plane retromod would take about 12 work-hours and parts would cost about \$5,500, for an estimated cost of \$6,520 per helicopter.

Inspecting and verifying the torque of the bolts and nuts takes about 1 work-hour, for an estimated cost of \$85 per helicopter and \$340 for the U.S. fleet per inspection cycle.

If required, replacing a bolt and nut would take about 1 work-hour and parts would cost about \$250, for an estimated cost of \$335 per replacement.

According to Leonardo's service information, some of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage by Leonardo. Accordingly, the FAA has included all costs in its cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

This AD will not have federalism implications under Executive Order

13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Will not affect intrastate aviation in Alaska, and
- (3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

2021–05–13 Leonardo S.p.a: Amendment 39–21456; Docket No. FAA–2018–0309; Project Identifier 2018–SW–014–AD.

(a) Effective Date

This airworthiness directive (AD) is effective April 21, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model AW189 helicopters, certificated in any category.

(d) Subject

Joint Aircraft Service Component (JASC) Code: 5510, Tail Stabilizer.

(e) Unsafe Condition

This AD was prompted by two reported failures of the tail plane installation forward bolts (bolts). The FAA is issuing this AD to address the failure of a bolt. This condition could result in reduced control of the helicopter.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Required Actions

(1) For helicopters without a tail plane installation retromod part number (P/N) 8G5510P00511 (tail plane retromod) installed, before further flight and thereafter before each flight, inspect each forward attachment bolt (bolt) P/N 8G5510A06251 and 8G5510A05951 for a missing bolt head, breakage, and correct installation as depicted in Figure 12 of Leonardo Helicopters Emergency Alert Service Bulletin No. 189–177, Revision A, dated February 28, 2018 (EASB 189–177). If there is a missing bolt head, a broken bolt, or an incorrectly installed bolt, before further flight, remove the bolt from service and install the tail plane retromod by following the Accomplishment Instructions, Part II, paragraphs 3.1 through 3.33 of EASB 189–177, except you are not required to discard parts and where EASB 189–177 specifies contacting Leonardo PSE for corrective action, the action must be accomplished using a method approved by the Manager, International Validations Branch, FAA. The Manager’s approval letter must specifically refer to this AD.

(2) For helicopters with a tail plane retromod installed in accordance with Leonardo Helicopters Service Bulletin No. 189–130, dated January 30, 2017, and for helicopters with serial number 49046, 49053, 89008, 89009, 92007, or 92008, within 10 hours time-in-service (TIS) after the effective date of this AD, loosen and then torque each nut P/N MS17825–7 (nut) to 15 to 20 Nm (11 to 14.75 ft-lbs), and install a cotter pin and lockwire each nut on the adjustable rod assembly P/N 4F5510A00232, as depicted in Figure 7, Detail N Step 6.5 and Figure 9, Detail P Step 7.9 of EASB 189–177.

(3) Within 10 hours TIS after installing a tail plane retromod, within 10 hours TIS after complying with paragraph (g)(2) of this AD, or within 10 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 50 hours TIS, do the following:

- (i) Determine the torque of each nut.
- (ii) If the torque is less than 15 Nm (11 ft-lbs) or more than 20 Nm (14.75 ft-lbs), before further flight, remove the bolt and nut and inspect for wear. If there is any wear on the bolt or nut, before further flight, remove the bolt and nut from service.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (i)(2) of this AD. Information may be emailed to: 9-AVS-AIR-730-AMOC@faa.gov.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(i) Related Information

(1) The subject of this AD is addressed in European Aviation Safety Agency (now European Union Aviation Safety Agency) (EASA) Emergency AD 2018–0047–E, dated February 28, 2018. This EASA AD may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0309.

(2) For more information about this AD, contact Scott Franke, Aviation Safety Engineer, General Aviation & Rotorcraft Section, International Validation Branch, FAA, 10101 Hillwood Pkwy., Fort Worth, TX 76177; telephone 817–222–5178; email scott.franke@faa.gov.

(3) Leonardo Helicopters Service Bulletin No. 189–130, dated January 30, 2017, which is not incorporated by reference, contains additional information about the subject of this AD.

(4) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (j)(3) and (4) of this AD.

(j) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless this AD specifies otherwise.

(i) Leonardo Helicopters Emergency Alert Service Bulletin No. 189–177, Revision A, dated February 28, 2018.

(ii) [Reserved]

(3) For service information identified in this AD, contact Leonardo S.p.a. Helicopters, Emanuele Bufano, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39–0331–225074; fax +39–0331–229046; or at <https://www.leonardocompany.com/en/home>.

(4) You may view this service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call 817–222–5110.

(5) You may view this material that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email fedreg.legal@nara.gov, or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

Issued on February 24, 2021.

Gaetano A. Sciortino,

Deputy Director for Strategic Initiatives, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05511 Filed 3–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE**Bureau of Industry and Security****15 CFR Part 744**

[Docket No. 210312–0056]

RIN 0694–AI38

Expansion of Certain End-Use and End-User Controls and Controls on Specific Activities of U.S. Persons; Correction**AGENCY:** Bureau of Industry and Security, Commerce.**ACTION:** Interim final rule; correction.

SUMMARY: The Bureau of Industry and Security (BIS), Department of Commerce, is correcting an interim final rule, “Expansion of Certain End-Use and End-User Controls and Controls on Specific Activities of U.S. Persons,” that appeared in the **Federal Register** of January 15, 2021 (hereinafter referred to as the January 15 rule) by revising an incorrect instruction that would have resulted in the inadvertent deletion of two subparagraphs of the Export Administration Regulations’ (EAR) restrictions on certain rocket systems and unmanned aerial vehicles.

DATES: *Effective date:* March 16, 2021.**FOR FURTHER INFORMATION CONTACT:**

Philip Johnson, Senior Advisor, Export Enforcement, Bureau of Industry and Security, Phone: (202) 482–3685, *Philip.Johnson@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:**Background**

On January 15, 2021, BIS published an interim final rule expanding certain end-use and end-user controls and controls on specific activities of U.S. persons (86 FR 4865) (hereinafter the January 15 rule). Due to an instruction error, which directed the revision of paragraph (a)(3) of § 744.3 of the EAR, rather than only the introductory text of that paragraph, upon its effective date, the January 15 rule would have resulted in the inadvertent deletion of § 744.3(a)(3)(i) and (ii) of the EAR, which describe the license requirements that apply when an exporter, reexporter, or transferor cannot determine the range capabilities of a rocket system or unmanned aerial vehicle (UAV) in certain countries of missile technology concern (Country Group D:4) (see Supplement No. 1 to part 740 of the EAR), or whether such rocket system or UAV will be used in connection with the delivery of certain weapons of mass destruction. This was a technical error and BIS did not intend to remove the existing restrictions on exports,

reexports, and transfers (in-country) applicable to certain rocket systems and UAVs in D:4 countries currently set forth in § 744.3(a)(3)(i) and (ii) of the EAR. To remediate this error, BIS is correcting the instruction in the January 15 rule to revise only the introductory “text of § 744.3(a)(3), rather than the entire paragraph.

Correction

Accordingly, in FR Doc. 2021–00977, appearing on page 4865 in the **Federal Register** of Friday, January 15, 2021, the follow correction is made:

§ 744.3 [Correction]

■ 1. On page 4871, first column, instruction 9 is corrected to read “Section 744.3 is amended by revising paragraphs (a)(1) and (2), the introductory text to paragraph (a)(3), and paragraphs (d)(2)(ii) and (v) to read as follows:”

Matthew S. Borman,*Deputy Assistant Secretary for Export Administration.*

[FR Doc. 2021–05623 Filed 3–15–21; 4:15 pm]

BILLING CODE 3510–33–P**DEPARTMENT OF THE TREASURY****Office of Foreign Assets Control**

31 CFR Parts 501, 510, 535, 536, 539, 541, 542, 544, 546, 547, 548, 549, 552, 560, 561, 566, 576, 583, 584, 588, 592, 594, 597, and 598

Inflation Adjustment of Civil Monetary Penalties**AGENCY:** Office of Foreign Assets Control, Treasury.**ACTION:** Final rule.

SUMMARY: The Department of the Treasury’s Office of Foreign Assets Control (OFAC) is issuing this final rule to adjust certain civil monetary penalties for inflation pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: This rule is effective March 17, 2021.**FOR FURTHER INFORMATION CONTACT:**

OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; Assistant Director for Sanctions Compliance & Evaluation, 202–622–2490.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

This document and additional information concerning OFAC are available from OFAC’s website (www.treasury.gov/ofac).

Background

Section 4 of the Federal Civil Penalties Inflation Adjustment Act (1990 Pub. L. 101–410, 104 Stat. 890; 28 U.S.C. 2461 note), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Pub. L. 114–74, 129 Stat. 599, 28 U.S.C. 2461 note) (the FCPIA Act), requires each federal agency with statutory authority to assess civil monetary penalties (CMPs) to adjust CMPs annually for inflation according to a formula described in section 5 of the FCPIA Act. One purpose of the FCPIA Act is to ensure that CMPs continue to maintain their deterrent effect through periodic cost-of-living based adjustments.

OFAC has adjusted its CMPs six times since the Federal Civil Penalties Inflation Adjustment Act Improvements Act went into effect on November 2, 2015: An initial catch-up adjustment on August 1, 2016 (81 FR 43070, July 1, 2016); an additional initial catch-up adjustment related to CMPs for failure to comply with a requirement to furnish information, the late filing of a required report, and failure to maintain records (“recordkeeping CMPs”) that were inadvertently omitted from the August 1, 2016 initial catch-up adjustment on October 5, 2020 (85 FR 54911, September 3, 2020); and annual adjustments on February 10, 2017 (82 FR 10434, February 10, 2017); March 19, 2018 (83 FR 11876, March 19, 2018); June 14, 2019 (84 FR 27714, June 14, 2019); and April 9, 2020 (85 FR 19884, April 9, 2020).

Method of Calculation

The method of calculating CMP adjustments applied in this final rule is required by the FCPIA Act. Under the FCPIA Act and the Office of Management and Budget guidance required by the FCPIA Act, annual inflation adjustments subsequent to the initial catch-up adjustment are to be based on the percent change between the Consumer Price Index for all Urban Consumers (“CPI-U”) for the October preceding the date of the adjustment and the prior year’s October CPI-U. As set forth in Office of Management and Budget Memorandum M–21–10 of December 23, 2020, the adjustment multiplier for 2021 is 1.01182. In order to complete the 2021 annual adjustment, each current CMP is

multiplied by the 2021 adjustment multiplier. Under the FCPIA Act, any increase in CMP must be rounded to the nearest multiple of \$1.

New Penalty Amounts

OFAC imposes CMPs pursuant to the penalty authority in five statutes: The

Trading With the Enemy Act (50 U.S.C. 4301–4341, at 4315) (TWEA); the International Emergency Economic Powers Act (50 U.S.C. 1701–1706, at 1705) (IEEPA); the Antiterrorism and Effective Death Penalty Act of 1996 (18 U.S.C. 2339B) (AEDPA); the Foreign

Narcotics Kingpin Designation Act (21 U.S.C. 1901–1908, at 1906) (FNKDA); and the Clean Diamond Trade Act (19 U.S.C. 3901–3913, at 3907) (CDTA).

The table below summarizes the existing and new maximum CMP amounts for each statute.

TABLE 1—MAXIMUM CMP AMOUNTS FOR RELEVANT STATUTES

Statute	Existing maximum CMP amount	Maximum CMP amount effective March 17, 2021
TWEA	\$90,743	\$91,816
IEEPA	307,922	311,562
AEDPA	81,283	82,244
FNKDA	1,529,991	1,548,075
CDTA	13,910	14,074

In addition to updating these maximum CMP amounts, OFAC is also updating two references to one-half the IEEPA maximum CMP from \$153,961 to

\$155,781, and is adjusting the recordkeeping CMP amounts found in OFAC's Economic Sanctions Enforcement Guidelines in appendix A

to 31 CFR part 501. The table below summarizes the existing and new maximum CMP amounts for OFAC's recordkeeping CMPs.

TABLE 2—MAXIMUM CMP AMOUNTS FOR RECORDKEEPING CMPs

Violation	Existing maximum CMP amount	Maximum CMP amount effective March 17, 2021
Failure to furnish information pursuant to 31 CFR 501.602 irrespective of whether any other violation is alleged.	\$23,765	\$24,046
Failure to furnish information pursuant to 31 CFR 501.602 where OFAC has reason to believe that the apparent violation(s) involves a transaction(s) valued at greater than \$500,000, irrespective of whether any other violation is alleged.	59,413	60,115
Late filing of a required report, whether set forth in regulations or in a specific license, if filed within the first 30 days after the report is due.	2,970	3,005
Late filing of a required report, whether set forth in regulations or in a specific license, if filed more than 30 days after the report is due.	5,942	6,012
Late filing of a required report, whether set forth in regulations or in a specific license, if the report relates to blocked assets, an additional CMP for every 30 days that the report is overdue, up to five years.	1,189	1,203
Failure to maintain records in conformance with the requirements of OFAC's regulations or of a specific license.	59,522	60,226

Finally, OFAC is making technical changes in the authorities citations of 31 CFR parts 501, 510, 535, 536, 539, 541, 542, 544, 546, 547, 548, 549, 552, 560, 561, 566, 576, 583, 584, 588, 592, 594, 597 and 598 to consolidate or shorten citations to conform to **Federal Register** guidance and to more specifically reference one of the relevant statutory authorities.

Public Participation

The FCPIA Act expressly exempts this final rule from the notice and comment requirements of the Administrative Procedure Act by directing agencies to adjust CMPs for inflation “notwithstanding section 553 of title 5, United States Code” (Pub. L. 114–74, 129 Stat. 599; 28 U.S.C. 2461 note). As such, this final rule is being issued without prior public notice or

opportunity for public comment, with an effective date of March 17, 2021.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this rule does not impose information collection requirements that would require the approval of the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

List of Subjects in 31 CFR Parts 501, 510, 535, 536, 539, 541, 542, 544, 546, 547, 548, 549, 552, 560, 561, 566, 576, 583, 584, 588, 592, 594, 597, and 598

Administrative practice and procedure, Banks, banking, Blocking of assets, Exports, Foreign trade, Licensing, Penalties, Sanctions.

For the reasons set forth in the preamble, the Department of the Treasury's Office of Foreign Assets

Control amends 31 CFR chapter V as follows:

PART 501—REPORTING, PROCEDURES AND PENALTIES REGULATIONS

■ 1. The authority citation for part 501 is revised to read as follows:

Authority: 8 U.S.C. 1189; 18 U.S.C. 2332d, 2339B; 19 U.S.C. 3901–3913; 21 U.S.C. 1901–1908; 22 U.S.C. 287c, 2370(a), 6009, 6032, 7205, 8501–8551; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); 31 U.S.C. 321(b); 50 U.S.C. 1701–1706, 4301–4341.

Subpart D—Trading With the Enemy Act (TWEA) Penalties**§ 501.701 [Amended]**

- 2. In § 501.701, in paragraph (a)(3) introductory text, remove “\$90,743” and add in its place “\$91,816”.
- 3. Amend appendix A to part 501 as follows:
- a. In paragraph IV.A., remove “\$23,765” and add in its place “\$24,046” and remove “\$59,413” and add in its place “\$60,115”.
- b. In paragraph IV.B., remove “\$2,970” and add in its place “\$3,005”, remove “\$5,942” and add in its place

“\$6,012”, and remove “\$1,189” and add in its place “\$1,203”.

- c. In paragraph IV.C., remove “\$59,522” and add in its place “\$60,226”.
- d. In paragraph V.B.2.a.i., remove “\$153,961” and add in its place “\$155,781” and remove “\$307,922” and add in its place “\$311,562”.
- e. In paragraph V.B.2.a.ii., remove “\$307,922” in all three locations where it appears and add in its place in all three locations “\$311,562”.
- f. In paragraph V.B.2.a.v., remove “\$307,922” and add in its place “\$311,562”, remove “\$90,743” and add in its place “\$91,816”, remove

“\$1,529,991” and add in its place “\$1,548,075”, remove “\$81,283” and add in its place “\$82,244”, and remove “\$13,910” and add in its place “\$14,074”.

- g. Revise paragraph V.B.2.a.vi. The revision reads as follows:

Appendix A to Part 501—Economic Sanctions Enforcement Guidelines

* * * * *

V. * * *

B. * * *

2. * * *

a. * * *

vi. The following matrix represents the base amount of the proposed civil penalty for each category of violation:

BASE PENALTY MATRIX**Egregious Case**

		NO	YES
Voluntary Self-Disclosure	YES	(1) One-Half of Transaction Value (capped at <u>lesser</u> of \$155,781 or one-half of the applicable statutory maximum per violation)	(3) One-Half of Applicable Statutory Maximum
	NO	(2) Applicable Schedule Amount (capped at <u>lesser</u> of \$311,562 or the applicable statutory maximum per violation)	(4) Applicable Statutory Maximum

* * * * *

PART 510—NORTH KOREA SANCTIONS REGULATIONS

- 4. The authority citation for part 510 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c, 9201–9255; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered

sections of 22 U.S.C.); E.O. 13466, 73 FR 36787, 3 CFR, 2008 Comp., p. 195; E.O. 13551, 75 FR 53837, 3 CFR, 2010 Comp., p. 242; E.O. 13570, 76 FR 22291, 3 CFR, 2011 Comp., p. 233; E.O. 13687, 80 FR 819, 3 CFR, 2015 Comp., p. 259; E.O. 13722, 81 FR 14943, 3 CFR, 2016 Comp., p. 446; E.O. 13810, 82 FR 44705, 3 CFR, 2017 Comp., p. 379.

Subpart G—Penalties**§ 510.701 [Amended]**

- 5. In § 510.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 535—IRANIAN ASSETS CONTROL REGULATIONS

- 6. The authority citation for part 535 is revised to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2332d; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12170, 44 FR 65729, 3 CFR, 1979 Comp., p. 457; E.O. 12205, 45 FR 24099, 3 CFR, 1980 Comp., p. 248; E.O. 12211, 45 FR 26685, 3 CFR, 1980 Comp., p. 253; E.O. 12276, 46 FR 7913, 3 CFR, 1981 Comp., p. 104; E.O. 12279, 46 FR 7919, 3 CFR, 1981 Comp., p. 109; E.O. 12280, 46 FR 7921, 3 CFR, 1981 Comp., p. 110; E.O. 12281, 46 FR 7923, 3 CFR, 1981 Comp., p. 112; E.O. 12282, 46 FR 7925, 3 CFR, 1981 Comp., p. 113; E.O. 12283, 46 FR 7927, 3 CFR, 1981 Comp., p. 114; E.O. 12294, 46 FR 14111, 3 CFR, 1981 Comp., p. 139.

Subpart G—Penalties

§ 535.701 [Amended]

■ 7. In § 535.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 536—NARCOTICS TRAFFICKING SANCTIONS REGULATIONS

■ 8. The authority citation for part 536 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12978, 60 FR 54579, 3 CFR, 1995 Comp., p. 415; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

Subpart G—Penalties

§ 536.701 [Amended]

■ 9. In § 536.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 539—WEAPONS OF MASS DESTRUCTION TRADE CONTROL REGULATIONS

■ 10. The authority citation for part 539 is revised to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 2751–2799aa–2; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13094, 63 FR 40803, 3 CFR, 1998 Comp., p. 200.

Subpart G—Penalties

§ 539.701 [Amended]

■ 11. In § 539.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 541—ZIMBABWE SANCTIONS REGULATIONS

■ 12. The authority citation for part 541 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28

U.S.C. 2461 note); E.O. 13288, 68 FR 11457, 3 CFR, 2003 Comp., p. 186; E.O. 13391, 70 FR 71201, 3 CFR, 2005 Comp., p. 206; E.O. 13469, 73 FR 43841, 3 CFR, 2008 Comp., p. 1025.

Subpart G—Penalties

§ 541.701 [Amended]

■ 13. In § 541.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 542—SYRIAN SANCTIONS REGULATIONS

■ 14. The authority citation for part 542 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 18 U.S.C. 2332d; 22 U.S.C. 287c; 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p. 168; E.O. 13399, 71 FR 25059, 3 CFR, 2006 Comp., p. 218; E.O. 13460, 73 FR 8991, 3 CFR 2008 Comp., p. 181; E.O. 13572, 76 FR 24787, 3 CFR 2011 Comp., p. 236; E.O. 13573, 76 FR 29143, 3 CFR 2011 Comp., p. 241; E.O. 13582, 76 FR 52209, 3 CFR 2011 Comp., p. 264; E.O. 13606, 77 FR 24571, 3 CFR 2012 Comp., p. 243.

Subpart G—Penalties

§ 542.701 [Amended]

■ 15. In § 542.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 544—WEAPONS OF MASS DESTRUCTION PROLIFERATORS SANCTIONS REGULATIONS

■ 16. The authority citation for part 544 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13094, 63 FR 40803, 3 CFR, 1998 Comp., p. 200; E.O. 13382, 70 FR 38567, 3 CFR, 2005 Comp., p. 170.

Subpart G—Penalties

§ 544.701 [Amended]

■ 17. In § 544.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 546—DARFUR SANCTIONS REGULATIONS

■ 18. The authority citation for part 546 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13067, 62 FR 59989, 3 CFR, 1997 Comp., p. 230; E.O. 13400, 71 FR 25483, 3 CFR, 2006 Comp., p. 220.

Subpart G—Penalties

§ 546.701 [Amended]

■ 19. In § 546.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 547—DEMOCRATIC REPUBLIC OF THE CONGO SANCTIONS REGULATIONS

■ 20. The authority citation for part 547 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 287c; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13413, 71 FR 64105, 3 CFR, 2006 Comp., p. 247; E.O. 13671, 79 FR 39949, 3 CFR, 2015 Comp., p. 280.

Subpart G—Penalties

§ 547.701 [Amended]

■ 21. In § 547.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 548—BELARUS SANCTIONS REGULATIONS

■ 22. The authority citation for part 548 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13405, 71 FR 35485, 3 CFR, 2007 Comp., p. 231.

Subpart G—Penalties

§ 548.701 [Amended]

■ 23. In § 548.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 549—LEBANON SANCTIONS REGULATIONS

■ 24. The authority citation for part 549 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13441, 72 FR 43499, 3 CFR, 2008 Comp., p. 232.

Subpart G—Penalties

§ 549.701 [Amended]

■ 25. In § 549.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 552—YEMEN SANCTIONS REGULATIONS

■ 26. The authority citation for part 552 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L.

101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13611, 77 FR 29533, 3 CFR, 2012 Comp., p. 260.

Subpart G—Penalties

§ 552.701 [Amended]

■ 27. In § 552.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 560—IRANIAN TRANSACTIONS AND SANCTIONS REGULATIONS

■ 28. The authority citation for part 560 is revised to read as follows:

Authority: 3 U.S.C. 301; 18 U.S.C. 2339B, 2332d; 22 U.S.C. 2349aa–9, 7201–7211, 8501–8551, 8701–8795; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12613, 52 FR 41940, 3 CFR, 1987 Comp., p. 256; E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 12959, 60 FR 24757, 3 CFR, 1995 Comp., p. 356; E.O. 13059, 62 FR 44531, 3 CFR, 1997 Comp., p. 217; E.O. 13599, 77 FR 6659, 3 CFR, 2012 Comp., p. 215; E.O. 13846, 83 FR 38939, 3 CFR, 2018 Comp., p. 854.

Subpart G—Penalties

§ 560.701 [Amended]

■ 29. In § 560.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 561—IRANIAN FINANCIAL SANCTIONS REGULATIONS

■ 30. The authority citation for part 561 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; 22 U.S.C. 8501–8551, 8701–8795; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 12957, 60 FR 14615, 3 CFR, 1995 Comp., p. 332; E.O. 13553, 75 FR 60567, 3 CFR, 2010 Comp., p. 253; E.O. 13599, 77 FR 6659, 3 CFR, 2012 Comp., p. 215; E.O. 13846, 83 FR 38939, 3 CFR, 2018 Comp., p. 854; E.O. 13871, 84 FR 20761, 3 CFR, 2019 Comp., p. 309.

Subpart G—Penalties

§ 561.701 [Amended]

■ 31. In § 561.701, in paragraph (a)(4), remove “\$307,922” and add in its place “\$311,562”.

PART 566—HIZBALLAH FINANCIAL SANCTIONS REGULATIONS

■ 32. The authority citation for part 566 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 114–102, 129 Stat. 2205 (50 U.S.C. 1701 note); Pub. L. 115–272, 132 Stat. 4144 (50 U.S.C. 1701 note).

Subpart G—Penalties

§ 566.701 [Amended]

■ 33. In § 566.701, in paragraph (b), remove “\$307,922” and add in its place “\$311,562”.

PART 576—IRAQ STABILIZATION AND INSURGENCY SANCTIONS REGULATIONS

■ 34. The authority citation for part 576 is revised to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13303, 68 FR 31931, 3 CFR, 2003 Comp., p. 227; E.O. 13315, 68 FR 52315, 3 CFR, 2003 Comp., p. 252; E.O. 13350, 69 FR 46055, 3 CFR, 2004 Comp., p. 196; E.O. 13364, 69 FR 70177, 3 CFR, 2004 Comp., p. 236; E.O. 13438, 72 FR 39719, 3 CFR, 2007 Comp., p. 224; E.O. 13668, 79 FR 31019, 3 CFR, 2014 Comp., p. 248.

Subpart G—Penalties

§ 576.701 [Amended]

■ 35. In § 576.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 583—GLOBAL MAGNITSKY SANCTIONS REGULATIONS

■ 36. The authority citation for part 583 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 114–328, Title XII, Subtitle F, 130 Stat. 2533 (22 U.S.C. 2656 note); E.O. 13818, 82 FR 60839, 3 CFR, 2017 Comp., p. 399.

§ 583.701 [Amended]

■ 37. In § 583.701, in paragraph (c), remove “\$307,922” and add in its place “\$311,562”.

PART 584—MAGNITSKY ACT SANCTIONS REGULATIONS

■ 38. The authority citation for part 584 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 112–208, 126 Stat. 1502 (22 U.S.C. 5811 note).

§ 584.701 [Amended]

■ 39. In § 584.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 588—WESTERN BALKANS STABILIZATION REGULATIONS

■ 40. The authority citation for part 588 is revised to read as follows:

Authority: 3 U.S.C. 301; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13219, 66 FR 34777, 3 CFR, 2001 Comp., p. 778; E.O. 13304, 68 FR 32315, 3 CFR, 2004 Comp. p. 229.

Subpart G—Penalties

§ 588.701 [Amended]

■ 41. In § 588.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 592—ROUGH DIAMONDS CONTROL REGULATIONS

■ 42. The authority citation for part 592 is revised to read as follows:

Authority: 3 U.S.C. 301; 19 U.S.C. 3901–3913; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); E.O. 13312, 68 FR 45151, 3 CFR, 2003 Comp., p. 246.

Subpart F—Penalties

§ 592.601 [Amended]

■ 43. In § 592.601, in paragraph (a)(2), remove “\$13,910” and add in its place “\$14,074”.

PART 594—GLOBAL TERRORISM SANCTIONS REGULATIONS

■ 44. The authority citation for part 594 is revised to read as follows:

Authority: 3 U.S.C. 301; 22 U.S.C. 287c; 31 U.S.C. 321(b); 50 U.S.C. 1601–1651, 1701–1706; Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note); Pub. L. 115–44, 131 Stat. 886 (codified in scattered sections of 22 U.S.C.); Pub. L. 115–348, 132 Stat. 5055 (50 U.S.C. 1701 note); Pub. L. 115–272, 132 Stat. 4144 (50 U.S.C. 1701 note); E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; E.O. 13268, 67 FR 44751, 3 CFR 2002 Comp., p. 240; E.O. 13284, 68 FR 4075, 3 CFR, 2003 Comp., p. 161; E.O. 13372, 70 FR 8499, 3 CFR, 2006 Comp., p. 159.

Subpart G—Penalties

§ 594.701 [Amended]

■ 45. In § 594.701, in paragraph (a)(2), remove “\$307,922” and add in its place “\$311,562”.

PART 597—FOREIGN TERRORIST ORGANIZATIONS SANCTIONS REGULATIONS

■ 46. The authority citation for part 597 is revised to read as follows:

Authority: 8 U.S.C. 1189; 18 U.S.C. 2339B; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note).

Subpart G—Penalties**§ 597.701 [Amended]**

■ 47. In § 597.701, in paragraph (b)(3), remove “\$81,283” and add in its place “\$82,244”.

PART 598—FOREIGN NARCOTICS KINGPIN SANCTIONS REGULATIONS

■ 48. The authority citation for part 598 is revised to read as follows:

Authority: 3 U.S.C. 301; 21 U.S.C. 1901–1908; 31 U.S.C. 321(b); Pub. L. 101–410, 104 Stat. 890, as amended (28 U.S.C. 2461 note).

Subpart G—Penalties**§ 598.701 [Amended]**

■ 49. In § 598.701, in paragraph (a)(4), remove “\$1,529,991” and add in its place “\$1,548,075”.

Dated: March 12, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2021–05506 Filed 3–16–21; 8:45 am]

BILLING CODE 4810–AL–P

POSTAL SERVICE**39 CFR Part 230****Rules Governing Compliance With Subpoenas, Summonses, and Court Orders for the Office of Inspector General**

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending the Code of Federal Regulations to state rules that govern compliance with subpoenas, summonses, and court orders served on employees of the Office of Inspector General where neither the Postal Service, the United States, nor any other Federal agency is a party.

DATES: Effective March 17, 2021.

FOR FURTHER INFORMATION CONTACT:

Matthew C. Glover, Director, Legal Services, Office of Inspector General, at (703) 248–4584.

SUPPLEMENTARY INFORMATION: On October 3, 2003, the Postal Service published rules governing compliance with subpoenas, summonses, and court orders served on employees of the Office of Inspector General.

Those rules appear in subpart B of part 230. This publication amends and updates the existing rules.

List of Subjects in 39 CFR Part 230

Administrative practice and procedure.

For the reasons stated in the preamble, the Postal Service amends 39 CFR part 230 as follows:

PART 230—OFFICE OF INSPECTOR GENERAL

■ 1. The authority citation for part 230 continues to read as follows:

Authority: 5 U.S.C. app. 3; 39 U.S.C. 401(2) and 1001.

■ 2. Revise subpart B to read as follows:

Subpart B—Rules Governing Compliance With Subpoenas, Summonses, and Court Orders by Postal Employees Within the Office of Inspector General Where Neither the Postal Service, the United States, Nor Any Other Federal Agency Is a Party**§ 230.10 Demands for records or testimony.**

(a) *Scope and applicability.* (1) This section sets forth the *Touhy* regulations of the U.S. Postal Service Office of Inspector General. It applies to situations where an employee of the Office of Inspector General has been summoned, subpoenaed, or given a court order to produce documents or provide testimony in connection with any Federal, State, local court, administrative, or legislative proceeding.

(2) This section does not apply to:

- (i) Proceedings where the United States, the Postal Service, or any other Federal agency is named as a party;
- (ii) Congressional requests or subpoenas for testimony or documents; or

(iii) Appearances by employees in their private capacities in proceedings unrelated to their Postal Service employment.

(3) This section should be read together with the Freedom of Information Act (FOIA), 5 U.S.C. 552a, which provides additional information about access to records. The provisions of this section do not affect rights and procedures governing public access to official documents pursuant to the FOIA.

(4) This section does not create any right or benefit, substantive or procedural, enforceable by any party against the Office of Inspector General or the U.S. Postal Service.

(b) *General prohibition.* (1) No employee may testify or produce documents concerning information acquired in the course of employment or as a result of his or her relationship with the Postal Service in any case or matter, unless authorized to do so by an authorizing official.

(2) Without written authorization from the authorizing official, the employee must respectfully decline to produce documents, testify, or otherwise disclose the requested information. If the authorization is denied or not received by the return date, the employee (together with counsel, where appropriate) shall appear at the stated time and place, produce a copy of this section, and respectfully decline to testify or produce any document on the basis of the regulations in this section.

(3) If an attempt is made to compel production of documents during the employee's testimony, the employee is directed to decline to produce the item or information and to state that the material cannot be disclosed or produced without the approval of the authorizing official.

(c) *Procedure to request documents or testimony.* (1) All demands seeking the production of nonpublic documents or employee testimony concerning matters relating to their official duties shall be made in writing and conform to the requirements outlined in paragraphs (c)(2) and (3) of this section.

(2) The requesting party shall serve a summons or subpoena issued in accordance with the appropriate rules of procedure on the General Counsel to the Inspector General at the Office of Inspector General, 1735 North Lynn Street, Arlington, VA 22209–2020.

(3) Together with a summons or subpoena served on the General Counsel, the requesting party shall include an affidavit or sworn declaration containing the following information:

(i) The title of the case and the forum where it will be heard;

(ii) The party's interest in the case;

(iii) The reasons for the demand;

(iv) If testimony is sought, a detailed summary of the anticipated testimony;

(v) If testimony is sought, a showing that Office of Inspector General records could not be provided and used in place of the requested testimony;

(vi) The intended use of the documents or testimony; and

(vii) An affirmative statement that the documents or testimony is necessary for defending or prosecuting the case at issue.

(d) *Evaluation of a demand for documents or testimony.* (1) The authorizing official will consider the factors in paragraphs (d)(1)(i) through (viii) of this section when deciding whether to authorize testimony or the production of documents:

(i) Statutory restrictions, as well as any legal objection, exemption, or privilege that may apply;

(ii) Relevant legal standards for disclosure of nonpublic information and documents;

(iii) Office of Inspector General rules and regulations;

(iv) The public interest;

(v) Minimizing or preventing expenditures of Office of Inspector General time and resources solely for private purposes;

(vi) Minimizing the appearance of improperly favoring one litigant over another;

(vii) Minimizing the possibility that the public will misconstrue variances between personal opinions of Office of Inspector General employees and agency policy; and

(viii) Preserving the integrity of the administrative process.

(2) Where, on the basis of its investigation, the Office of Inspector General has requested or recommended that a State or local prosecuting authority pursue a criminal prosecution or has otherwise approved such a prosecution, that prosecuting authority will be deemed to have made a proper request for information to be used in connection with that prosecution. With respect to other criminal matters pursued in state or local courts, the consideration shall also be given to the additional factors in paragraphs (d)(2)(i) through (iv) of this section:

(i) The seriousness of the violation or crime involved;

(ii) The past history or criminal record of the violator or accused;

(iii) The importance of the legal issues presented; and

(iv) The relatedness of the crime to the Office of Inspector General's mission.

(3) The following records described in paragraphs (d)(2)(i) through (iii) of this section will not be released:

(i) Records required to remain confidential by the Freedom of Information Act, the Privacy Act, this part, and part 262 of this chapter,

(ii) Records containing information relating to an employee's security or loyalty; and

(iii) Original records.

(4)(i) The following records and testimony may only be produced under the circumstances described in paragraphs (d)(4)(i)(A) through (C) of this section:

(A) The Office of Inspector General Manual and other operating instructions issued to employees when specifically authorized after consultation with the General Counsel to the Inspector General;

(B) Office of Inspector General criminal investigative reports when specifically authorized after consulting

with the General Counsel to the Inspector General; and

(C) Information relating to confidential investigative techniques, confidential sources of information, and information that must be kept confidential under the Inspector General Act, as amended, 5 U.S.C. app. 3. Where the authorizing official determines this information would otherwise be appropriate for release under this part, the Office of Inspector General may request an in camera review to determine the necessity for its release.

(ii) The specific limitations on the production of certain categories of information set forth in paragraphs (d)(4)(i)(A) through (C) of this section do not require or imply that other documents or testimony will be authorized without limitation.

(5) When authorizing testimony or the release of documents, the authorizing official will establish the extent of the Office of Inspector General's response.

(i) Permission to testify or to release documents in all cases will be limited to matters outlined in the affidavit or declaration described in paragraph (c)(3) of this section, or to such matters as deemed appropriate by the authorizing official.

(ii) If the authorizing official allows the production of documents or testimony, arrangements shall be made for the taking of testimony or receipt of documents by the method least disruptive to the employee's official duties. Testimony may, for example, be provided by affidavits, answers to interrogatories, written depositions, or depositions transcribed, recorded, or preserved by any other means allowable by law.

(iii) The Inspector General, authorizing official, or a delegatee may designate an employee other than the employee identified in the request to respond to a request for an appearance.

(6) Upon the authorizing official's issuance of a final determination not to authorize testimony or release records, the party making the request may consult or negotiate with the authorizing official to refine and limit the demand.

(7) Notwithstanding the Office of Inspector General's general commitment to offer all possible assistance to the courts, the disclosure of information falling within the scope of this part is a matter of discretion, resting with the authorizing official. If, in the opinion of the authorizing official requested documents should not be released or testimony should not be provided, that determination will be final.

(e) *Representation of an employee in any appearance.* At the option of the

authorizing official, an Office of Inspector General attorney may make an appearance on behalf of the Office of Inspector General and assist an employee whose appearance has been requested and authorized. The authorizing official may also request assistance from the U.S. Department of Justice.

(f) *Expert or opinion witness.* Unless authorized by the authorizing official, an employee may not testify as an expert or opinion witness regarding any matter arising out of the employee's duties or functions at the Office of Inspector General for any party other than the United States. A litigant must first obtain the permission of an authorizing official before designating an employee as an expert or opinion witness.

(g) *Costs and fees.* (1) The Office of Inspector General is authorized to charge reasonable fees to parties demanding documents or information. Unless determined by 28 U.S.C. 1821 or other applicable statute, the costs of responding to a request for documents or testimony shall be borne by the requesting party. As determined by the Office of Inspector General, costs calculated to reimburse the Office for the cost of responding to a demand may include:

(i) The costs of time expended by employees to process and respond to the demand;

(ii) Attorney time for reviewing, responding to, or processing the demand and for legal work in connection with the demand;

(iii) Expenses generated by equipment used to search for, produce, and copy the requested information;

(iv) Expenses attendant upon an employee's absence from his or her official duties in connection with the case or matter, including the employee's salary and applicable overhead charges;

(v) Travel costs of any employees who testify or are requested to testify and any agency attorney or other representative who travels in connection with a request for testimony, including lodging and per diem, assessed, as applicable, at the rates and in the manner specified in 39 CFR 265.9; and

(vi) Other costs of providing testimony, including the cost of transcripts.

(2) At the discretion of the Office of Inspector General where appropriate, fees and costs may be estimated and collected before testimony is given.

(h) *Definitions.* The following definitions apply to this section.

Authorizing official means the Inspector General or an official designated by the Inspector General to

authorize release of documents or employee testimony.

Case or matter means any civil or criminal proceeding before a court of law, administrative board, hearing officer, or other body conducting a judicial or administrative proceeding. The term also includes proceedings in legislative bodies other than the Congress of the United States.

Demand means any request, order, or subpoena for testimony or the production of documents.

Document includes all information falling within the scope of the terms “documents” and “electronically stored information” in Federal Rule of Civil Procedure 34(a) and any analogous rules applicable to the case or matter in which a demand is made.

Employee includes all current and former employees of the Office of Inspector General (whether temporary or permanent, part-time or full-time), employees of the Postal Service assigned or detailed to the Office of Inspector General, student interns, student cooperatives, contractors, and employees of contractors who have or had access to Office of Inspector General information and records.

Nonpublic means all documents or information not subject to mandatory public disclosure under 39 CFR 265.6(b) or that must be kept confidential under the Inspector General Act of 1978 as amended, 5 U.S.C. app. 3.

Testify or *testimony* include in-person oral statements before any body conducting a judicial, administrative, or legislative proceeding, statements made in depositions, answers to interrogatories, declarations, affidavits, or other similar documents.

Ruth Stevenson,

Chief Counsel, Federal Compliance.

[FR Doc. 2021-04210 Filed 3-16-21; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R07-OAR-2020-0620; FRL-10021-40-Region 7]

Air Plan Approval; Missouri; Removal of Control of Emissions From Solvent Cleanup Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a State Implementation Plan

(SIP) revision submitted by the State of Missouri on January 15, 2019, and supplemented by letter on June 14, 2019. Missouri requests that the EPA remove a rule related to control of emissions from the solvent cleanup operations in the Kansas City, Missouri area from its SIP. This removal does not have an adverse effect on air quality. The EPA's approval of this rule revision is in accordance with the requirements of the Clean Air Act (CAA) and will ensure consistency between state and federally-approved rules.

DATES: This final rule is effective on April 16, 2021.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R07-OAR-2020-0620. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *i.e.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov> or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional information.

FOR FURTHER INFORMATION CONTACT: William Stone, Environmental Protection Agency, Region 7 Office, Air Quality Planning Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219; telephone number: (913) 551-7714; email address: stone.william@epa.gov.

SUPPLEMENTARY INFORMATION: Throughout this document “we,” “us,” and “our” refer to the EPA.

Table of Contents

- I. What is being addressed in this document?
- II. Have the requirements for approval of a SIP revision been met?
- III. What action is the EPA taking?
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

I. What is being addressed in this document?

The EPA is approving the removal of 10 Code of State Regulations (CSR) 10-2.215, *Control of Emissions from Solvent Cleanup Operations*, from the Missouri SIP.

At the time that the rule was approved into the SIP, 10 CSR 10-2.215 applied to any person in Clay, Jackson and Platte Counties in Missouri that performs or allows the performance of any cleaning operation involving the use of a volatile organic compound (VOC) solvent or solvent solution that

emitted over 500 pounds per day of VOCs. According to the June 14, 2019 letter from the Missouri Department of Natural Resources, available in the docket for this action, Missouri rescinded the rule because there are no sources subject to the rule, and the rule is no longer necessary for attainment and maintenance of the 1979, 1997, or 2008 National Ambient Air Quality Standards (NAAQS) for Ozone.

As explained in detail in the EPA's proposed rule, Missouri has demonstrated that removal of 10 CSR 10-2.215 will not interfere with attainment of the NAAQS, reasonable further progress¹ or any other applicable requirement of the CAA because there are no existing sources that are subject to the rule, and therefore removal of the rule will not cause VOC emissions to increase. 85 FR 82995, December 21, 2020.

The EPA solicited comments on the proposed revision to Missouri's SIP, and did not receive any comments. Therefore, the EPA is finalizing its proposal to remove 10 CSR 10-2.215 from the SIP.

II. Have the requirements for approval of a SIP revision been met?

The State submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. The State provided public notice on this SIP revision from February 28, 2018, to April 5, 2018 and received five comments from the EPA that related to Missouri's lack of an adequate demonstration that the rule could be removed from the SIP in accordance with section 110(l) of the CAA. Missouri's June 14, 2019 letter addressed the EPA's comments. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. What action is the EPA taking?

The EPA is taking final action to approve Missouri's request to remove 10 CSR 2.215 from the SIP.

IV. Incorporation by Reference

In this document, the EPA is amending regulatory text that includes incorporation by reference. As described in the amendments to 40 CFR part 52 set forth below, the EPA is removing provisions of the EPA-Approved Missouri Regulation from the Missouri

¹ RFP is not applicable to the Kansas City Area because the area is in attainment of all applicable ozone standards.

State Implementation Plan, which is incorporated by reference in accordance with the requirements of 1 CFR part 51.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of the National Technology Transfer and Advancement Act (NTTA) because this rulemaking does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

The SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal

implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 17, 2021. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 10, 2021.

Edward H. Chu,

Acting Regional Administrator, Region 7.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as set forth below:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

- 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart AA—Missouri

§ 52.1320 [Amended]

- 2. In § 52.1320, the table in paragraph (c) is amended by removing the entry "10-2.215" under the heading "Chapter 2-Air Quality Standards and Air Pollution Control Regulations for the Kansas City Metropolitan Area".

[FR Doc. 2021-05403 Filed 3-16-21; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 405

[CMS-3372-IFC]

RIN 0938-AT88

Medicare Program; Medicare Coverage of Innovative Technology (MCIT) and Definition of "Reasonable and Necessary"; Delay of Effective Date; Public Comment Period

AGENCY: Centers for Medicare & Medicaid Services (CMS), Department of Health and Human Services (HHS).

ACTION: Interim final rule; delayed effective date; request for comments.

SUMMARY: Consistent with the memorandum of January 20, 2021, from the Assistant to the President and Chief of Staff, titled "Regulatory Freeze Pending Review," this document delays the effective date of the final rule titled, "Medicare Program; Medicare Coverage of Innovative Technology (MCIT) and Definition of 'Reasonable and Necessary'" published in the **Federal Register** on January 14, 2021, for 60 days. We are providing a 30-day public comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by the rule and this information could be considered by the agency in determining whether further actions are appropriate, which could include whether to revise or rescind.

DATES:

Effective date: As of March 12, 2021, the effective date of the final rule amending 42 CFR part 405 published at 86 FR 2987 on January 14, 2021, is delayed by this interim final rule until May 15, 2021.

Comment period: To be assured consideration, comments on the January 14, 2021 final rule and "Medicare Program; Medicare Coverage of Innovative Technology (MCIT) and Definition of 'Reasonable and

Necessary”” and this interim action must be received at one of the addresses provided below, by April 16, 2021.

ADDRESSES: In commenting, please refer to file code CMS–3372–IFC.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <http://www.regulations.gov>. Follow the “Submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3372–IFC, P.O. Box 8013, Baltimore, MD 21244–8013.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3372–IFC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Linda Gousis at (410) 786–2281 or MCIT@cms.hhs.gov.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on [Regulations.gov](http://www.regulations.gov) public comments that make threats to individuals or institutions or suggest that the individual will take actions to harm the individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

I. Background

In the January 14, 2021 **Federal Register**, we published a final rule titled “Medicare Program; Medicare Coverage

of Innovative Technology (MCIT) and Definition of “Reasonable and Necessary”” (86 FR 2987). The January 2021 final rule established a Medicare coverage pathway to provide Medicare beneficiaries nationwide with faster access to new, innovative medical devices designated as breakthrough by the Food and Drug Administration (FDA). The MCIT pathway will result in 4 years of national Medicare coverage starting on the date of FDA market authorization or a manufacturer chosen date within 2 years thereafter. This January 2021 final rule also implemented regulatory standards to be used in making reasonable and necessary determinations under section 1862(a)(1)(A) of the Social Security Act (the Act) for items and services that are furnished under Medicare Parts A and B.

II. Provisions of the Interim Final Rule With Comment Period (IFC)

A. Purpose of This Action

On January 20, 2021, the Assistant to the President and Chief of Staff issued a memorandum titled “Regulatory Freeze Pending Review” (“Regulatory Freeze Memorandum”) which, along with the guidance on implementation of the memorandum issued by the Office of Management and Budget (OMB) in Memorandum M–21–14 dated January 20, 2021, directs agencies to consider delaying the effective date of rules published in the **Federal Register** that have not yet become effective, consistent with applicable law, for the purpose of reviewing any questions of fact, law, and policy the rules may raise.

The OMB memorandum directed that the decision to delay should include consideration of whether—

- The rulemaking process was procedurally adequate;
- The rule reflected proper consideration of all relevant facts;
- The rule reflected due consideration of the agency’s statutory or other legal obligations;
- The rule is based on a reasonable judgment about the legally relevant policy considerations;
- The rulemaking process was open and transparent;
- Objections to the rule were adequately considered, including whether interested parties had fair opportunities to present contrary facts and arguments;
- Interested parties had the benefit of access to the facts, data, or other analyses on which the agency relied; and
- The final rule found adequate support in the rulemaking record.

After considering this guidance, we determined that a 60-day delay is appropriate to ensure that: (1) The rulemaking process was procedurally adequate; (2) the agency properly considered all relevant facts; (3) the agency considered statutory or other legal obligations; (4) the agency had reasonable judgment about the legally relevant policy considerations; and (5) the agency adequately considered public comments objecting to certain elements of the rule, including whether interested parties had fair opportunities to present contrary facts and arguments. Therefore, we are delaying the effective date of the January 2021 MCIT final rule and inviting 30 days of public comments subsequent to promulgation of this document consistent with the Regulatory Freeze Memorandum and OMB Memorandum M–21–14. Further, we appreciate the strong public interest in our rulemaking, and we are especially interested in public comments on each of the five decision criteria noted previously with respect to the January 2021 MCIT final rule.

Accordingly, this document delays the effective date of the January 2021 MCIT final rule as specified in the **DATES** section and opens a 30-day comment period on the facts, law, and policy underlying the rule.

B. Potential Concerns and Invitation for Public Comment

1. Operational Issues

The MCIT pathway would address uncertainty in Medicare coverage for newly FDA market-authorized breakthrough devices. While the rule would eliminate coverage uncertainty early after FDA market authorization and automates coverage “so that innovative products are brought to market faster,” the rule did not directly address operational issues, such as how the agency would establish coding and payment levels for particular devices, which are both central to prompt market access. CMS cannot be certain of the precise timing of FDA market authorizations and the exact indication for use of the devices until they become market authorized. However, in order to fully operationalize Medicare coverage for a particular breakthrough device, CMS must make other decisions before it can properly pay claims. Among those are whether the device falls within a Medicare benefit category under Part A (Hospital Insurance Benefits) or Part B (Supplementary Medical Insurance Program). These determinations are often called benefit category determinations or BCDs. In addition, we often must take into account the setting

where the device is furnished, whether there is an existing payment methodology that applies to the particular breakthrough device (including, for example, whether a device would be paid under a bundled payment system or is separately payable). We must also determine whether there is an appropriate billing code for the device in order to support electronic claims filing and efficient claims processing.

We recognize that some public comments on the September 1, 2020 MCIT proposed rule, especially from manufacturers, supported our initiating MCIT only after coverage, coding, and payment had been established. We underestimated the operational challenges highlighted by these comments. We seek comment on how CMS should resolve the operational issues, such as benefit category determinations, coding, and payment levels.

2. Overlapping Rules

CMS separately proposed a Benefit Category and Payment Determination process in the November 4, 2020 proposed rule titled “Benefit Category and Payment Determinations for DME, Prosthetic Devices, Orthotics and Prosthetics, Therapeutic Shoes and Inserts, Surgical Dressings, or Splints, Casts, and Other Devices Used for Reductions of Fractures and Dislocations” (DMEPOS) (85 FR 70358). (The comment period for the November 2020 proposed rule closed on January 4, 2021.) This proposed rule outlined a process to establish a BCD for Durable Medical Equipment (DME). The proposed rule has not been finalized. Because of the publication sequences of the MCIT public comment period ending on November 2, 2020 and the DMEPOS proposed rule being published 2 days after the MCIT comment period closed, it may not have allowed stakeholders to adequately comment on the integration of the two policies. While we recognize the proposed rule was specifically considering DMEPOS, and not all breakthrough devices fall within these categories, that rule may serve as a model for resolving similar operational issues that could expedite and facilitate Medicare payment. While CMS has not completed its public comment review of the DMEPOS payment rule, there are comments requesting that CMS align its processes. We seek comment on whether commenters would have raised additional concerns if there had been an opportunity to comment on the DMEPOS payment and MCIT rules at the same time.

3. New Information: Breakthrough Device Volume

The regulatory impact analysis (RIA) published as part of the MCIT final rule was based on the expectation that the FDA breakthrough device program would initially apply to a relatively small number of devices based on the low number of breakthrough devices that had become market authorized. Using this information, we assumed this number would remain in a relatively steady state for the first few years and included this assumption in the RIA. The MCIT proposed rule stated that 2 to 5 devices would likely fall within the MCIT coverage pathway initially and would remain fairly consistent in the short term, and increase gradually thereafter. At that time, the publicly available FDA count of breakthrough device designations was from the end of fiscal year 2018, when there were 97 FDA-designated breakthrough devices. New data, publicly reported by the FDA on February 16, 2021 (<https://www.fda.gov/news-events/fda-voices/reflections-record-year-novel-device-innovation-despite-covid-19-challenges>), indicated that more than 400 devices have been designated as breakthrough. We recognize that not all of those devices will be market-authorized, and we cannot know the precise timing of those market authorizations. Recent public data suggests a larger number of market-authorized breakthrough devices may be eligible for MCIT. The public may not have had an opportunity to consider this aspect of potential growth. We seek comment on whether the assumption about the potential volume of FDA breakthrough devices was flawed such that the public did not have a meaningful opportunity to comment on the proposed rule.

4. Medicare Patient Benefit/Protection and Other Issues

Further, after the close of the MCIT public comment period, some experts raised questions in published articles about how breakthrough technology may work—in older patients and the evidence basis for Medicare coverage of these technologies (Bach. New York Times, December 1, 2020; <https://www.nytimes.com/2020/12/01/opinion/trump-medicare-medicaid.html>; Eroding Progress on Evidence and Outcomes: CMS’s New Proposed Pathway for Medical Device Coverage. Neumann and Chambers. Health Affairs, December 2, 2020 and Medicare’s New Device-Coverage Pathway—Breakthrough or Breakdown. Rathi, Johnston, Ross and Dhruva. New England Journal of

Medicine, March 10, 2021). CMS is aware that Medicare patients often have different clinical profiles and considerations due to the complexity of their medical conditions and multiple treatments compared to other age groups. Because Medicare patients usually have more than one comorbidity and are likely being treated for more than one condition, CMS has historically reviewed clinical evidence showing that the devices have been studied in the Medicare population or that outcomes are generalizable to the Medicare population. The various treatments may interact with each other, potentially affecting overall patient benefits.

Some public commenters challenged CMS’ premise that the MCIT coverage could result in improved care for Medicare beneficiaries absent specific evidence that the MCIT eligible devices benefit the Medicare population. In response to the public comments, the MCIT final rule gives CMS authority to remove a breakthrough device from the MCIT pathway where a medical device safety communication or warning letter is issued by the FDA, or if the FDA revokes market authorization for a device. We seek comment on whether the revisions in the MCIT final rule adequately addressed the public’s concern of clinical benefit to the Medicare population.

5. Public Request for a More Detailed Proposal

Public commenters on the proposed rule requested that we not finalize the rule because of a potential lack of clarity on the “reasonable and necessary” definition, which is the statutory standard for covering MCIT breakthrough devices after the coverage pathway ends and most items and services that fall under the Medicare fee-for-service program. These commenters stated that CMS did not include sufficient detail in the proposed rule about the impact of commercial insurance coverage and, therefore, suggested that they could not adequately or meaningfully comment. Further, some commenters suggested that the agency should publish another proposed rule with significantly more detail. We seek comment on whether the public had adequate opportunity to comment on the proposed rule. We are also soliciting comment on whether CMS adequately responded to objections to the proposed rule, including whether interested parties had fair opportunities to present contrary facts and arguments that may help to improve the final rule.

6. Adequacy of Rulemaking Process

Lastly, OMB Memorandum M–21–14 requires agencies to consider, among other things, whether the rulemaking process was procedurally adequate and whether interested parties had a fair opportunity to present contrary facts and arguments. We are soliciting comment on the following:

- Whether there are any other procedural issues pertaining to the January 2021 MCIT rulemaking process.
- If there are other procedural issues, what are those issues and what should CMS do to remedy those issues?
- Should the January 2021 MCIT final rule be amended, rescinded, or further delayed pending review by the CMS or allowed to go into effect?

III. Waiver of Proposed Rulemaking and the 60-Day Public Comment Periods

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment prior to a rule taking effect in accordance with section 1871 of the Act and section 553(b) of the Administrative Procedure Act (APA). Unless there is a statutory exception, section 1871(b)(1) of the Act generally requires the Secretary of the Department of Health and Human Services (the Secretary) to provide for notice of a proposed rule in the **Federal Register** and provide a period of not less than 60 days for public comment before establishing or changing a substantive legal standard regarding the matters enumerated by the statute. Similarly, under 5 U.S.C. 553(b) of the APA, the agency is required to publish a notice of proposed rulemaking in the **Federal Register** before a substantive rule takes effect. Section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act usually require a 30-day delay in effective date after issuance or publication of a rule, subject to exceptions. Sections 553(b)(B) and 553(d)(3) of the APA provide for exceptions from the advance notice and comment requirement and the delay in effective date requirements. Sections 1871(b)(2)(C) and 1871(e)(1)(B)(ii) of the Act also provide exceptions from the notice and 60-day comment period and the 30-day delay in effective date. Section 553(b)(B) of the APA and section 1871(b)(2)(C) of the Act expressly authorize an agency to dispense with notice and comment rulemaking for good cause if the agency makes a finding that notice and comment procedures are impracticable, unnecessary, or contrary to the public interest.

We find that notice and comment rulemaking is impracticable,

unnecessary, and contrary to the public interest with respect to the relatively short delay in the effective date of the final MCIT rule announced by this action. The final rule was published in the **Federal Register** on January 14, 2021. Even if the MCIT final rule were to go into effect on March 15, 2021, CMS would be unable to operationalize the program by that date. Because the agency is required to make other decisions, such as benefit category determinations, whether there is an existing payment methodology and whether there is an existing code or establishing code for the MCIT eligible breakthrough device, it would be impracticable to operationalize the MCIT rule on the March 15, 2021 effective date. These operational practicalities leave CMS incapable of implementing the MCIT program on March 15, 2021. Additionally, the higher than anticipated volume of devices receiving FDA breakthrough device designation exponentially complicates the operational concerns that we have identified. Further, public comments highlighted the importance of the agency having the ability to not only cover an FDA-designated breakthrough device expeditiously, but also to be able to have coding and payment levels established at the same time.

It would be impracticable to provide the normal 60-day comment period for such a brief delay in the effective date because the rule would be effective before the public comments could be meaningfully considered. Given the March 15, 2021 effective date for the MCIT final rule, there is not sufficient time to adequately consider advance public comment on this delay and it would interfere with the public's interest in the orderly promulgation and implementation of regulations. We find good cause for dispensing with advance public comment because it is impracticable to provide a meaningful opportunity to comment before extending the effective date of the MCIT rule.

The White House memorandum also recommends that, for rules postponed for further review, agencies consider opening a 30-day comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by those rules, and consider any requests for reconsideration involving such rules. Consistent with this guidance, we are requesting public comments on these topics, as well as the specific questions posed previously. After reviewing comments received in response to this notice, we may determine there is a need to postpone the effective date

further to allow additional time to consider issues of fact, law, and policy or to reconsider the January 2021 MCIT final rule.

IV. Summary

This rule delays the effective date of January 2021 MCIT final rule to May 15, 2021 for further review of the of fact, law, and policy raised by the rule. This rule also invites 30 days of public comment and requests interested parties to provide comments about issues of fact, law, and policy raised by the January 14, 2021 final rule so that CMS can consider any requests for reconsideration involving the rule. We also invite additional public comments on whether the rule should be amended, rescinded, delayed pending further review, or allowed to go into effect.

For the reasons stated previously, we find that there is good cause under 5 U.S.C. 553(b)(B) and (d)(3) to publish this action without prior notice and comment, and for this action to become effective immediately upon publication in the **Federal Register**.

V. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021–05490 Filed 3–12–21; 4:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2021–0003; Internal Agency Docket No. FEMA–8671]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency

Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur. Information identifying the current participation status of a community can be obtained from FEMA's CSB available at www.fema.gov/flood-insurance/work-with-nfip/community-status-book. Please note that per Revisions to Publication Requirements for Community Eligibility Status Information Under the National Flood Insurance Program, notices such as this one for scheduled suspension will no longer be published in the **Federal Register** as of June 2021 but will be available at National Flood Insurance Community Status and Public Notification | FEMA.gov. Individuals without internet access will be able to contact their local floodplain management official and/or State NFIP Coordinating Office directly for assistance.

DATES: The effective date of each community's scheduled suspension is the third date ("Susp.") listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 674-1087. Details regarding updated publication requirements of community eligibility status information under the NFIP can be found on the CSB section at www.fema.gov.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives, new and substantially improved construction, and development in general from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts

adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with NFIP regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date listed in the third column. As of that date, flood insurance will no longer be available in the community. FEMA recognizes communities may adopt and submit the required documentation after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. Their current NFIP participation status can be verified at anytime on the CSB section at fema.gov.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the published FIRM is indicated in the fourth column of the table. No direct federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the

community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

- 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

- 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region 3				
Virginia:				
Greene County, Unincorporated Areas	510200	April 11, 1974, Emerg; September 10, 1984, Reg; March 23, 2021, Susp.	March 23, 2021	March 23, 2021.
Stanardsville, Town of, Greene County	510251	June 19, 1974, Emerg; December 26, 1978, Reg; March 23, 2021, Susp.	.....do	Do.
Region 4				
Kentucky:				
Crestwood, City of, Oldham County	210027	N/A, Emerg; July 27, 2006, Reg; March 23, 2021, Susp.	.....do	Do.
Oldham County, Unincorporated Areas	210185	March 10, 1972, Emerg; August 19, 1987, Reg; March 23, 2021, Susp.	.....do	Do.
Orchard Grass Hills, City of, Oldham County.	210398	N/A, Emerg; November 28, 2007, Reg; March 23, 2021, Susp.	.....do	Do.
Mississippi:				
Bolivar County, Unincorporated Areas ..	280011	May 4, 1973, Emerg; July 17, 1989, Reg; March 23, 2021, Susp.	.....do	Do.
Isola, Town of, Humphreys County	280190	January 14, 1974, Emerg; July 3, 1978, Reg; March 23, 2021, Susp.	.....do	Do.
Moorhead, City of, Sunflower County ...	280166	May 24, 1973, Emerg; April 17, 1978, Reg; March 23, 2021, Susp.	.....do	Do.
Renova, Town of, Bolivar County	280065	July 10, 2012, Emerg; March 21, 2017, Reg; March 23, 2021, Susp.	.....do	Do.
Sharkey County, Unincorporated Areas	280152	May 14, 1973, Emerg; July 17, 1986, Reg; March 23, 2021, Susp.	.....do	Do.
Sunflower, Town of, Sunflower County	280168	May 14, 1973, Emerg; July 17, 1978, Reg; March 23, 2021, Susp.	.....do	Do.
Sunflower County, Unincorporated Areas.	280195	May 4, 1973, Emerg; September 28, 1979, Reg; March 23, 2021, Susp.	.....do	Do.
Washington County, Unincorporated Areas.	280177	May 4, 1973, Emerg; September 3, 1980, Reg; March 23, 2021, Susp.	.....do	Do.
South Carolina:				
Beaufort, City of, Beaufort County	450026	November 27, 1970, Emerg; May 2, 1977, Reg; March 23, 2021, Susp.	.....do	Do.
Bluffton, Town of, Beaufort County	450251	N/A, Emerg; August 24, 1993, Reg; March 23, 2021, Susp.	.....do	Do.
Hardeeville, City of, Beaufort and Jasper Counties.	450113	May 27, 1975, Emerg; September 1, 1987, Reg; March 23, 2021, Susp.	.....do	Do.
Hilton Head Island, Town of, Beaufort County.	450250	October 9, 1970, Emerg; September 12, 1984, Reg; March 23, 2021, Susp.	.....do	Do.
Port Royal, Town of, Beaufort County ..	450028	September 10, 1971, Emerg; April 15, 1977, Reg; March 23, 2021, Susp.	.....do	Do.
Yemassee, Town of, Beaufort and Hampton Counties.	450103	June 17, 1975, Emerg; September 1, 1986, Reg; March 23, 2021, Susp.	.....do	Do.
Region 5				
Michigan:				
Blaine, Township of, Benzie County	260027	N/A, Emerg; October 21, 2009, Reg; March 23, 2021, Susp.	.....do	Do.
Frankfort, City of, Benzie County	260029	October 30, 1974, Emerg; March 18, 1991, Reg; March 23, 2021, Susp.	.....do	Do.
Lake, Township of, Benzie County	260030	July 17, 1974, Emerg; June 5, 1989, Reg; March 23, 2021, Susp.	.....do	Do.
Minnesota:				
Alvarado, City of, Marshall County	270267	April 15, 1975, Emerg; January 16, 1981, Reg; March 23, 2021, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Argyle, City of, Marshall County	270268	April 24, 1974, Emerg; December 15, 1982, Reg; March 23, 2021, Susp.	.....do	Do.
Grygla, City of, Marshall County	270269	May 24, 1974, Emerg; September 30, 1982, Reg; March 23, 2021, Susp.	.....do	Do.
Marshall County, Unincorporated Areas	270638	May 15, 1974, Emerg; July 18, 1983, Reg; March 23, 2021, Susp.	.....do	Do.
Middle River, City of, Marshall County ..	270270	August 22, 1983, Emerg; February 1, 1984, Reg; March 23, 2021, Susp.	.....do	Do.
Newfolden, City of, Marshall County	270271	July 24, 1974, Emerg; June 22, 1984, Reg; March 23, 2021, Susp.	.....do	Do.
Oslo, City of, Marshall County	270272	May 15, 1974, Emerg; September 16, 1982, Reg; March 23, 2021, Susp.	.....do	Do.
Stephen, City of, Marshall County	270273	April 26, 1974, Emerg; September 16, 1982, Reg; March 23, 2021, Susp.	.....do	Do.
Warren, City of, Marshall County	270274	May 15, 1974, Emerg; February 18, 1981, Reg; March 23, 2021, Susp.	.....do	Do.
Region 7				
Iowa:				
Bettendorf, City of, Scott County	190240	February 4, 1972, Emerg; June 1, 1978, Reg; March 23, 2021, Susp.	.....do	Do.
Buffalo, City of, Scott County	190241	September 26, 1974, Emerg; September 17, 1980, Reg; March 23, 2021, Susp.	.....do	Do.
Davenport, City of, Scott County	190242	July 25, 1973, Emerg; March 1, 1978, Reg; March 23, 2021, Susp.	.....do	Do.
Donahue, City of, Scott County	190505	February 10, 1988, Emerg; May 1, 1990, Reg; March 23, 2021, Susp.	.....do	Do.
Eldridge, City of, Scott County	190574	October 30, 1990, Emerg; September 1, 1991, Reg; March 23, 2021, Susp.	.....do	Do.
Le Claire, City of, Scott County	190243	August 8, 1974, Emerg; August 15, 1980, Reg; March 23, 2021, Susp.	.....do	Do.
McCausland, City of, Scott County	190771	N/A, Emerg; August 7, 2012, Reg; March 23, 2021, Susp.	.....do	Do.
Panorama Park, City of, Scott County ..	190506	N/A, Emerg; December 17, 1990, Reg; March 23, 2021, Susp.	.....do	Do.
Princeton, City of, Scott County	190244	July 30, 1974, Emerg; November 1, 1979, Reg; March 23, 2021, Susp.	.....do	Do.
Riverdale, City of, Scott County	190245	July 7, 1975, Emerg; January 5, 1978, Reg; March 23, 2021, Susp.	.....do	Do.
Scott County, Unincorporated Areas	190239	December 30, 1971, Emerg; June 1, 1977, Reg; March 23, 2021, Susp.	.....do	Do.
Walcott, City of, Muscatine and Scott Counties.	190675	July 29, 1998, Emerg; November 7, 2001, Reg; March 23, 2021, Susp.	.....do	Do.
Region 8				
Utah:				
Coalville, City of, Summit County	490135	July 24, 1975, Emerg; January 30, 1984, Reg; March 23, 2021, Susp.	.....do	Do.
Henefer, Town of, Summit County	490136	July 23, 1975, Emerg; May 20, 1980, Reg; March 23, 2021, Susp.	.....do	Do.
Oakley, City of, Summit County	490138	June 11, 1975, Emerg; September 24, 1984, Reg; March 23, 2021, Susp.	.....do	Do.
Park City, City of, Summit County	490139	May 8, 1975, Emerg; July 16, 1987, Reg; March 23, 2021, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Summit County, Unincorporated Areas	490134	June 10, 1975, Emerg; July 17, 1986, Reg; March 23, 2021, Susp.		
Region 10				
Oregon:				
Douglas County, Unincorporated Areas	410059	December 3, 1971, Emerg; December 15, 1978, Reg; March 23, 2021, Susp.	.....do	Do.
Seneca, City of, Grant County	410081	May 22, 1975, Emerg; September 24, 1984, Reg; March 23, 2021, Susp.	.....do	Do.

*Do = Ditto.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Eric J. Letvin,

Deputy Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration—FEMA Resilience, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2021–05406 Filed 3–16–21; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 120404257–3325–02; RTID 0648–XA921]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2021 Re-Opening and Subsequent Closure of the Commercial Longline Fishery for South Atlantic Golden Tilefish

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; re-opening and subsequent closure.

SUMMARY: NMFS announces the re-opening of the commercial longline component for golden tilefish in the exclusive economic zone (EEZ) of the South Atlantic through this temporary rule. NMFS closed the commercial longline component on February 10, 2021; however, subsequent commercial longline landings data for golden tilefish indicate the commercial longline annual catch limit (ACL) for the 2021 fishing year has not yet been reached. Therefore, NMFS re-opens the commercial longline component for golden tilefish in the South Atlantic EEZ for 11 days beginning on March 20, 2021, to allow the commercial longline ACL to be harvested. After the 11 days,

NMFS closes the commercial longline component to protect the golden tilefish resource.

DATES: This temporary rule is effective from 12:01 a.m. eastern time on March 20, 2021, until 12:01 a.m. eastern time on January 1, 2022.

FOR FURTHER INFORMATION CONTACT:

Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, email: mary.vara@noaa.gov.

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes golden tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The FMP was prepared by the South Atlantic Fishery Management Council (Council) and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial sector for golden tilefish comprises the longline and hook-and-line components. The commercial golden tilefish ACL is allocated 75 percent to the longline component and 25 percent to the hook-and-line component. The commercial ACL (equivalent to the commercial quota) is 331,740 lb (150,475 kg) gutted weight, and the longline component quota of that ACL is 248,805 lb (112,856 kg) gutted weight (50 CFR 622.190(a)(2)(iii)).

Under 50 CFR 622.193(a)(1)(ii), NMFS is required to close the commercial longline component for golden tilefish when the longline component's commercial quota specified under 50 CFR 622.190(a)(2)(iii) is reached or is projected to be reached by filing a notification to that effect with the Office of the Federal Register. After that closure, golden tilefish may not be commercially fished or possessed by a

vessel with a golden tilefish longline endorsement. NMFS previously determined that the commercial quota for the golden tilefish longline component in the South Atlantic would be reached by February 10, 2021.

Therefore, NMFS published a temporary rule to close the commercial longline component for South Atlantic golden tilefish from February 10, 2021, through the end of the 2021 fishing year (86 FR 8876; February 10, 2021). However, subsequent data indicate that the commercial longline quota for golden tilefish has not been met.

In accordance with 50 CFR 622.8(c), NMFS temporarily re-opens the commercial longline component for golden tilefish on March 20, 2021. The commercial longline component will remain open for 11 days to allow for the commercial longline quota to be reached. The commercial longline component for golden tilefish will be closed from 12:01 a.m. eastern time on March 31, 2021, until January 1, 2022, the start of the next fishing year. NMFS has determined that this re-opening will allow for an additional opportunity to commercially harvest the golden tilefish longline component quota while minimizing the risk of exceeding the commercial sector's ACL.

The operator of a vessel with a valid Federal commercial vessel permit for South Atlantic snapper-grouper and a valid commercial longline endorsement for golden tilefish having golden tilefish on board must have landed and bartered, traded, or sold such golden tilefish prior to 12:01 a.m. eastern time on March 31, 2021. During the subsequent commercial longline closure, golden tilefish may still be commercially harvested using hook-and-line gear while the hook-and-line component is open. However, a vessel with a golden tilefish longline endorsement is not eligible to fish for or possess golden tilefish using hook-and-

line gear under the hook-and-line commercial trip limit, as specified in 50 CFR 622.191(a)(2)(ii). During the commercial longline closure, the recreational bag limit and possession limits specified in 50 CFR 622.187(b)(2)(iii) and (c)(1), respectively, apply to all harvest or possession of golden tilefish in or from the South Atlantic EEZ by a vessel with a golden tilefish longline endorsement.

The sale or purchase of longline-caught golden tilefish taken from the South Atlantic EEZ is prohibited during the commercial longline closure, as specified in 50 CFR 622.190(c)(1). The prohibition on sale or purchase does not apply to the sale or purchase of longline-caught golden tilefish that were harvested, landed ashore, and sold prior to 12:01 a.m. eastern time on March 31, 2021, and were held in cold storage by a dealer or processor. Additionally, the recreational bag and possession limits and the prohibition on sale and purchase during the commercial closure

apply to a person on board a vessel with a golden tilefish longline endorsement, regardless of whether the golden tilefish are harvested in state or Federal waters, as specified in 50 CFR 622.190(c)(1).

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.8(c), issued pursuant to section 304(b), and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations associated with the commercial reopening of the golden tilefish longline component have already been subject to notice and public comment, and all that remains is to notify the public of the reopening. Such procedures are contrary

to the public interest because of the need to immediately implement the reopening to allow the longline component of the golden tilefish commercial sector the opportunity to maximize their allowed harvest of golden tilefish and to achieve optimum yield in this fishery. Such procedures also are contrary to the public interest because of the need to implement the closure and protect the golden tilefish resource and minimize the risk of exceeding the sector's ACL.

For the aforementioned reasons, the Acting Assistant Administrator for NMFS also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 11, 2021.

Jennifer M. Wallace,
Acting Director, Office of Sustainable
Fisheries, National Marine Fisheries Service.
[FR Doc. 2021-05463 Filed 3-12-21; 4:15 pm]

BILLING CODE 3510-22-P

Proposed Rules

Federal Register

Vol. 86, No. 50

Wednesday, March 17, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2020-1181; Project Identifier MCAI-2020-01368-T]

RIN 2120-AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Bombardier, Inc., Model CL-600-1A11 (600), CL-600-2A12 (601), and CL-600-2B16 (601-3A, 601-3R and 604 Variants) airplanes. This proposed AD was prompted by reports of corrosion on the passenger door internal structure of in-service airplanes. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by May 3, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- **Federal eRulemaking Portal:** Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.

- **Fax:** 202-493-2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc.,

200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1-866-538-1247 or direct-dial telephone 1-514-855-2999; email ac.yul@aero.bombardier.com; internet <http://www.bombardier.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Examining the AD Docket

You may examine the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1181; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT: Aziz Ahmed, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7329; fax 516-794-5531; email 9-avs-nyaco-cos@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include "Docket No. FAA-2020-1181; Project Identifier MCAI-2020-01368-T" at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal

contact received about this proposed AD.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Aziz Ahmed, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7329; fax 516-794-5531; email 9-avs-nyaco-cos@faa.gov. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF-2016-37, dated November 25, 2016 (also referred to after this as the Mandatory Continuing Airworthiness Information, or the MCAI), to correct an unsafe condition for all Bombardier, Inc., Model CL-600-1A11 (600), CL-600-2A12 (601), and CL-600-2B16 (601-3A, 601-3R, and 604 Variants) airplanes. You may examine the MCAI in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1181.

This proposed AD was prompted by reports of corrosion on the passenger door internal structure of in-service airplanes caused by an accumulation of moisture under the epoxy ramp. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is proposing this

AD to address corrosion on the passenger door internal structure and consequent loss of the structural integrity of the forward passenger door. See the MCAI for additional background information.

Related Service Information Under 1 CFR Part 51

The FAA reviewed the following Bombardier service information, which describes new or more restrictive airworthiness limitations for the upper latch pins of the forward passenger door. These documents are distinct since they apply to different airplane configurations. (Note: The asterisk (or “one star”) with the last three digits of the task number indicates that the task is an airworthiness limitation task.)

- Task 53–10–01–101*, “Upper Latch Pins of the Passenger Door,” of Bombardier Challenger CL–600–1A11 Time Limits/Maintenance Checks (TLMC), Product Support Publication (PSP) 605, Revision 39, dated January 8, 2018.
- Task 53–10–01–101*, “Upper Latch Pins of the Passenger Door,” of Bombardier Challenger CL–600–2A12 TLMC, PSP 601–5, Revision 46, dated January 8, 2018.
- Task 53–10–01–101*, “Upper Latch Pins of the Passenger Door,” of Bombardier Challenger CL–600–2B16 TLMC, PSP 601A–5, Revision 42, dated January 8, 2018.
- Task 53–20–00–188*, “Special Detailed Inspection of the Upper Latch Pins of the Passenger Door,” of Bombardier Challenger TLMC, CH 604 TLMC, Revision 32, dated December 18, 2019.
- Task 53–20–00–188*, “Special Detailed Inspection of the Upper Latch Pins of the Passenger Door,” of Bombardier Challenger TLMC, CH 605 TLMC, Revision 21, dated December 18, 2019.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA’s Determination

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to the FAA’s bilateral agreement with the State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and service information referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or

develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (e.g., inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (i)(1) of this proposed AD.

Costs of Compliance

The FAA estimates that this proposed AD affects 133 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be \$7,650 (90 work-hours × \$85 per work-hour).

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA’s authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency’s authority.

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or

develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a “significant regulatory action” under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Bombardier, Inc.: Docket No. FAA–2020–1181; Project Identifier MCAI–2020–01368–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) action by May 3, 2021.

(b) Affected Airworthiness Directives (ADs)

None.

(c) Applicability

This AD applies to all Bombardier, Inc., Model CL–600–1A11 (600), CL–600–2A12 (601), and CL–600–2B16 (601–3A, 601–3R, and 604 Variants) airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Reason

This AD was prompted by reports of corrosion on the passenger door internal structure of in-service airplanes. This AD was further prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address corrosion on the passenger door internal structure and consequent loss of the structural integrity of the forward passenger door.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD: Revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the

applicable time limits/maintenance checks (TLMC) revision specified in figure 1 to paragraph (g) of this AD. The initial compliance time for doing the tasks is at the time specified in the TLMC, or within 30 days after the effective date of this AD, whichever occurs later.

Figure 1 to paragraph (g) – TLMC Revisions

Airplane Model	TLMC Task No.	Task Title	TLMC Manual No.
CL-600-1A11 (CL-600)	53-10-01-101* ¹	Upper Latch Pins of the Passenger Door	Product Support Publication (PSP) 605, Revision 39, dated January 8, 2018
CL-600-2A12 (CL-601)	53-10-01-101* ¹	Upper Latch Pins of the Passenger Door	PSP 601-5, Revision 46, dated January 8, 2018
CL-600-2B16 (CL 601 3A/3R)	53-10-01-101* ¹	Upper Latch Pins of the Passenger Door	PSP 601A-5, Revision 42, dated January 8, 2018
CL-600-2B16 (CL 604)	53-20-00-188* ¹	Special Detailed Inspection of the Upper Latch Pins of the Passenger Door	CH 604 TLMC, Revision 32, dated December 18, 2019
CL-600-2B16 (CL-605 ²)	53-20-00-188* ¹	Special Detailed Inspection of the Upper Latch Pins of the Passenger Door	CH 605 TLMC, Revision 21, dated December 18, 2019
¹ The asterisk (or “one star”) with the last three digits of the task number indicates that the task is an airworthiness limitation task.			
² Model CL-600-2B16 (604 Variant), referred to by the marketing designation CL-605.			

(h) No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals, are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (i)(1) of this AD.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs)*: The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In

accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516-228-7300; fax 516-794-5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer*: For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, New York ACO Branch,

FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF-2016-37, dated November 25, 2016, for related information. This MCAI may be found in the AD docket on the internet at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2020-1181.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Propulsion Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone

516-228-7329; fax 516-794-5531; email 9-avs-nyaco-cos@faa.gov.

(3) For service information identified in this AD, contact Bombardier, Inc., 200 Côte-Vertu Road West, Dorval, Québec H4S 2A3, Canada; North America toll-free telephone 1-866-538-1247 or direct-dial telephone 1-514-855-2999; email ac.yul@aero.bombardier.com; internet <http://www.bombardier.com>. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Issued on January 20, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021-01745 Filed 3-16-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2021-0223; Project Identifier AD-2020-00539-A]

RIN 2120-AA64

Airworthiness Directives; Mooney International Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; correction.

SUMMARY: The FAA is correcting a notice of proposed rulemaking (NPRM) that published in the **Federal Register**. The NPRM proposed to issue an airworthiness directive (AD) that would apply to certain Mooney International Corporation (Mooney) Model M20V airplanes. As published, the docket number referenced throughout is incorrect. This document corrects that error. In all other respects, the original document remains the same; however, for clarity, the FAA is publishing the entire proposed rule in the **Federal Register**.

DATES: The last date for submitting comments on the NPRM (86 FR 13502, March 9, 2021) remains April 23, 2021.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* (202) 493-2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room

W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in the NPRM, contact Mooney International Corporation, 165 Al Mooney Road, North Kerrville, TX 78028; phone: (800) 456-3033; email: support@mooney.com. You may view this service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329-4148.

Examining the AD Docket

You may examine the AD docket at <https://www.regulations.gov> by searching for and locating Docket No. FAA-2021-0223; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains the NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT:

Jacob Fitch, Aviation Safety Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; phone: (817) 222-4130; fax: (817) 222-5245; email: jacob.fitch@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include “Docket No. FAA-2021-0223; Project Identifier AD-2020-00539-A” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to <https://www.regulations.gov>, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about the NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and

actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to the NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of the NPRM. Submissions containing CBI should be sent to Jacob Fitch, Aviation Safety Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA published an NPRM (86 FR 13502, March 9, 2021) that would apply to certain serial-numbered Mooney Model M20V airplanes. The NPRM proposed to require inspecting the alternator main power cable and the exhaust crossover tube and modifying the alternator main power cable routing by installing an additional alternator cable clamp, part number MS21919WCJ6. The NPRM was prompted by reports of short circuit and arcing of the alternator main power cable in the engine compartment. This condition, if unaddressed, could result in a fire hazard, loss of engine thrust control, and reduced control of the airplane.

Need for the Correction

As published, the docket number referenced throughout the NPRM is incorrect. The NPRM incorrectly references “Docket No. FAA-2020-0991” instead of “Docket No. FAA-2021-0223.”

Although no other part of the preamble or regulatory information has been corrected, for clarity, the FAA is publishing the entire proposed rule in the **Federal Register**.

The comment due date of the NPRM remains April 23, 2021.

Related Service Information Under 14 CFR Part 51

The FAA reviewed Mooney International Corporation Service Bulletin M20-340C, dated February 14, 2020 (SB M20-340C). The service information specifies inspecting the

alternator main power cable and the exhaust crossover tube for damage and replacing damaged parts as necessary. The service information also contains procedures for modifying the alternator main power cable routing by installing an additional alternator cable clamp, part number MS21919WCJ6.

This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

The FAA is issuing this NPRM after determining the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under "Differences Between this Proposed AD and the Service Information."

Differences Between This Proposed AD and the Service Information

SB M20–340C specifies sending a compliance card to Mooney upon completing the actions in the service information. This proposed AD would not require that action.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 18 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect the cable and exhaust crossover tube for damage.	.5 work-hour × \$85 per hour = \$42.50	\$0	\$42.50	\$765
Install additional cable clamp .....	.5 work-hour × \$85 per hour = \$42.50	10	52.50	945

The FAA estimates the following costs to do any necessary repairs/replacements that would be required

based on the results of the proposed inspection. The agency has no way of

determining the number of aircraft that might need these repairs/replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace alternator main power cable	8 work-hours × \$85 per hour = \$680	\$1,000	\$1,680
Replace exhaust crossover tube	8 work-hours × \$85.00 per hour = \$680	2,500	3,180

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

The FAA is proposing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or

develop on products identified in this rulemaking action.

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

- (1) Is not a "significant regulatory action" under Executive Order 12866,
- (2) Would not affect intrastate aviation in Alaska, and
- (3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Correction

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

- 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Corrected]

- 2. The FAA amends § 39.13 by adding the following new airworthiness directive:

Mooney International Corporation: Docket No. FAA–2021–0223; Project Identifier AD–2020–00539–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by April 23, 2021.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Mooney International Corporation Model M20V airplanes, serial

numbers 33–0001 through 33–0018, certificated in any category.

(d) Subject

Joint Aircraft System Component Code 2400, Electrical Power System.

(e) Unsafe Condition

This AD was prompted by reports of short circuit and arcing of the alternator main power cable in the engine compartment. The FAA is issuing this AD to prevent arcing of the alternator main power cable in the engine compartment. This condition, if not addressed, could result in an inflight fire and loss of engine thrust control, which may lead to reduced control of the airplane.

(f) Compliance

Comply with this AD before further flight after the effective date of this AD, unless already done.

(g) Required Actions

(1) Inspect the alternator main power cable and the exhaust crossover tube for burn marks, chafing, holes, and cracks, and replace any cable and crossover tube that has a burn mark, chafing, a hole, or a crack.

(2) Install an additional alternator cable clamp part number MS21919WCJ6 and ensure correct routing of the alternator main power cable by following steps 1.5. through 1.9. of the Instructions in Mooney International Corporation Service Bulletin M20–340C, dated February 14, 2020.

(h) Special Flight Permit

A special flight permit may be issued with the following limitations:

- (1) Flights must not carry passengers;
- (2) Operation in daytime visual meteorological conditions only;
- (3) Straight and level flight must be maintained;
- (4) Operation in areas of known turbulence prohibited; and
- (5) Altitude limited to 9,000 ft. above sea level.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Fort Worth ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in Related Information.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(j) Related Information

(1) For more information about this AD, contact Jacob Fitch, Aviation Safety Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; phone: (817) 222–4130; fax: (817) 222–5245; email: jacob.fitch@faa.gov.

(2) For service information identified in this AD, contact Mooney International

Corporation, 165 Al Mooney Road, North Kerrville, TX 78028; phone: (800) 456–3033; email: support@mooney.com. You may view this referenced service information at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued on March 11, 2021.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2021–05441 Filed 3–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2021–0160; Airspace Docket No. 21–ACE–7]

RIN 2120–AA66

Proposed Amendment of Class E Airspace; Sac City, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Sac City Municipal Airport, Sac City, IA. The FAA is proposing this action as the result of an airspace review due to the decommissioning of the Sac City non-directional beacon (NDB).

DATES: Comments must be received on or before May 3, 2021.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2021–0160/Airspace Docket No. 21–ACE–7, at the beginning of your comments. You may also submit comments through the internet at <https://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11E, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at https://www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation

Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11E at NARA, email fedreg.legal@nara.gov or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

FOR FURTHER INFORMATION CONTACT:

Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Sac City Municipal Airport, Sac City, IA, to support instrument flight rule operations at this airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2021–0160/Airspace Docket No. 21–ACE–7." The postcard

will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at <https://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's web page at https://www.faa.gov/air_traffic/publications/airspace_amendments/.

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11E, Airspace Designations and Reporting Points, dated July 21, 2020, and effective September 15, 2020. FAA Order 7400.11E is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11E lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by amending the Class E airspace extending upward from 700 feet above the surface at Sac City Municipal Airport, Sac City, IA, by removing the Sac City NDB and associated extension from the airspace legal description.

This action is the result of an airspace review due to the decommissioning of the Sac City NDB which provided navigation information for the instrument procedures at this airport.

Class E airspace designations are published in paragraph 6005 of FAA

Order 7400.11E, dated July 21, 2020, and effective September 15, 2020, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

FAA Order 7400.11, Airspace Designations and Reporting Points, is published yearly and effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

- 1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

- 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11E, Airspace Designations and Reporting

Points, dated July 21, 2020, and effective September 15, 2020, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE IA E5 Sac City, IA [Amended]

Sac City Municipal Airport, IA
(Lat. 42°22'45" N, long. 94°58'47" W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Sac City Municipal Airport.

Issued in Fort Worth, Texas, on March 10, 2021.

Martin A. Skinner,

Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2021–05317 Filed 3–16–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

20 CFR Part 501

RIN 1290–AA37

Rules of Practice and Procedure

AGENCY: Employees' Compensation Appeals Board, Department of Labor.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Labor is withdrawing the proposed rule that accompanied its direct final rule (DFR) that requires electronic filing (e-filing) and electronic service (e-service) for attorneys and lay representatives representing parties in proceedings before the Employees' Compensation Appeals Board (ECAB or the Board) and allows the Board, in its discretion, to hold oral arguments by videoconference.

DATES: As of March 17, 2021, the proposed rule published January 11, 2021, at 86 FR 1831, is withdrawn.

FOR FURTHER INFORMATION CONTACT:

Thomas Shepherd, Clerk of the Appellate Boards, at 202–693–6319 or ECAB-Inquiries@dol.gov.

SUPPLEMENTARY INFORMATION: In the concurrent direct final rule (DFR) published at 86 FR 1768, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the **Federal Register** informing the public that the DFR will not take effect. The Department issued an identical Notice of Proposed Rulemaking (NPRM) on the same day (86 FR 1831). The

Department received no comments on the rulemaking. Accordingly, the Department is not proceeding with the proposed rule and is withdrawing it from the rulemaking process. The DFR became effective on February 25, 2021. Additionally, the Department notes that it plans to hold listening sessions during the coming weeks for users to provide feedback on the electronic filing and service system. Information about those sessions will be announced at <https://efile.dol.gov>.

Milton A. Stewart,
Acting Secretary of Labor.

[FR Doc. 2021-05410 Filed 3-16-21; 8:45 am]

BILLING CODE 4510-31-P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 641, 655, 658, 667, and 683

Office of Workers' Compensation Programs

20 CFR Part 726

Office of the Secretary of Labor

29 CFR Parts 7, 8, 22, 24, 26, 29, 37, 38, and 96

Office of Labor-Management Standards

29 CFR Parts 417 and 458

Wage and Hour Division

29 CFR Parts 500, 525, 530, and 580

Occupational Safety and Health Administration

29 CFR Parts 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, and 1988

Office of Federal Contract Compliance Programs

41 CFR Part 60-30

RIN 1290-AA28

Rules of Practice and Procedure Concerning Filing and Service and Amended Rules Concerning Filing and Service

AGENCY: Employment and Training Administration, Office of Workers' Compensation Programs, Office of the Secretary, Office of Labor-Management

Standards, Wage and Hour Division, Occupational Safety and Health Administration, Office of Federal Contract Compliance Programs.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Department of Labor is withdrawing the proposed rule that accompanied its direct final rule (DFR) that requires electronic filing (e-filing) and makes acceptance of electronic service (e-service) automatic for attorneys and non-attorney representatives representing parties in proceedings before the Administrative Review Board (Board), unless the Board authorizes non-electronic filing and service for good cause; establishes a new part containing rules of practice and procedure for the Board; and amends existing regulations concerning filing and service that apply where a governing statute or executive order does not establish contrary rules of filing and service.

DATES: As of March 17, 2021, the proposed rule published January 11, 2021 (86 FR 1834), is withdrawn.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Shepherd, Clerk of the Appellate Boards, at 202-693-6319 or Shepherd.Thomas@dol.gov.

SUPPLEMENTARY INFORMATION: In the concurrent direct final rule (DFR) published at 86 FR 1772, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the *Federal Register* informing the public that the DFR will not take effect. The Department issued an identical Notice of Proposed Rulemaking (NPRM) on the same day (86 FR 1834). The Department also issued a technical correction on February 9, 2021 (86 FR 8687). The Department received no comments on the rulemaking. Accordingly, the Department is not proceeding with the proposed rule and is withdrawing it from the rulemaking process. The DFR became effective on February 25, 2021. Additionally, the Department notes that it plans to hold listening sessions during the coming weeks for users to provide feedback on the electronic filing and service system. Information about those sessions will be announced at <https://efile.dol.gov>.

Milton A. Stewart,
Acting Secretary of Labor.

[FR Doc. 2021-05405 Filed 3-16-21; 8:45 am]

BILLING CODE 4510-HW-P

DEPARTMENT OF LABOR

Benefits Review Board

20 CFR Part 802

RIN 1290-AA35

Rules of Practice and Procedure

AGENCY: Benefits Review Board, Department of Labor.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Department of Labor is reopening for 15 days the comment period on the January 11, 2021, notice of proposed rulemaking that would have required electronic filing (e-filing) and acceptance of electronic service (e-service) for persons represented by attorneys or non-attorney representatives unless good cause is shown justifying a different form of filing.

DATES: The comment period for the proposed rule published at 86 FR 1857 on January 11, 2021, is reopened for 15 days and closes on April 1, 2021.

ADDRESSES: You may submit comments, identified by Regulatory Identification Number (RIN) 1290-AA35, only by the following method: Electronic Comments. Submit comments through the Federal eRulemaking Portal <http://www.regulations.gov>. To locate the rule, use docket number DOL-2020-0013 or key words such as "Administrative practice and procedure," "Black lung benefits," "Longshore and harbor workers," or "Workers' compensation." Follow the instructions for submitting comments. All comments must be received by 11:59 p.m. on the date indicated for consideration in this rulemaking.

Instructions: All comments received generally will be posted without change to <http://www.regulations.gov>, including any personal information provided. Therefore, the Department recommends that commenters safeguard their personal information by not including social security numbers, personal addresses, telephone numbers, or email addresses in comments. It is the responsibility of the commenter to safeguard personal information.

If you need assistance to review the comments or the proposed rule, the Department will consider providing the comments and the direct final rule in other formats upon request. For assistance to review the comments or obtain the direct final rule in an alternate format, contact Mr. Thomas Shepherd, Clerk of the Appellate Boards, at (202) 693-6319.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Shepherd, Clerk of the Appellate Boards, at (202) 693–6319 or Contact-Boards@dol.gov. Individuals with hearing or speech impairments may access this telephone number by TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In the concurrent direct final rule (DFR) published at 86 FR 1862, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the **Federal Register** informing the public that the DFR will not take effect. The Department also issued an identical Notice of Proposed Rulemaking (NPRM) on the same day (86 FR 1857). The Department received significant adverse comment prior to the close of the comment period on the conforming Office of Administrative Law Judges (OALJ) rulemaking (86 FR 1862) in which commenters noted that they also practice before the Benefits Review Board (BRB). Therefore, out of an abundance of caution, the Department withdrew the DFR, effective February 25, 2021. The Department also received a request to extend the comment period of the OALJ rule and is therefore reopening the comment period for the BRB rule for 15 days. In issuing a final action, the Department will consider comments received on the DFR and NPRM during the initial comment period as well as comments received during this subsequent comment period. The Department will also provide at least 30 days' notice between promulgating a final rule that requires e-filing and the date on which e-filing will become mandatory under such a rule. Furthermore, the Department notes that several comments raised concerns with the Department's electronic filing system and not the requirements of the proposed or direct final rules. To better understand and address these concerns, the Department has scheduled listening sessions for users to provide feedback on the system. Information about those sessions is posted at <https://efile.dol.gov>.

Milton A. Stewart,

Acting Secretary of Labor.

[FR Doc. 2021–05407 Filed 3–16–21; 8:45 am]

BILLING CODE 4510–HT–P

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 18

RIN 1290–AA36

Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges

AGENCY: Office of the Secretary.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The Department of Labor is reopening for 15 days the comment period on the January 11, 2021, notice of proposed rulemaking that would have provided for electronic filing (e-filing) and electronic service (e-service) of papers, required e-filing for persons represented by attorneys or non-attorney representatives unless good cause is shown justifying a different form of filing, and required advance notice to the parties of the manner of a hearing or prehearing conference.

DATES: The comment period for the proposed rule published on January 11, 2021, at 86 FR 1862, is reopened for 15 days and closes on April 1, 2021.

ADDRESSES: You may read background documents, submit comments, and read comments received through the Federal eRulemaking Portal at <http://www.regulations.gov>. To locate the rule, identified by Regulatory Identification Number (RIN) 1290–AA36, search for docket number DOL–2020–0015 or key words such as “Office of Administrative Law Judges” or “Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges.”

Instructions for submitting comments are found on the www.regulations.gov website. Please be advised that comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Therefore, the Department recommends that commenters safeguard their personal information by not including social security numbers, personal addresses, telephone numbers, and email addresses in comments. It is the responsibility of the commenters to safeguard their information. If you need assistance to review the comments or the rule, the Department will consider providing the comments and the rule in other formats upon request. For assistance to review the comments or obtain the rule in an alternate format, contact Mr. Todd Smyth, General Counsel, at (513) 684–3252.

FOR FURTHER INFORMATION CONTACT:

Todd Smyth, General Counsel, U.S. Department of Labor, Office of Administrative Law Judges, 800 K Street NW, Washington, DC 20001–8002; telephone (513) 684–3252. Individuals with hearing or speech impairments may access the telephone number above by TTY by calling the toll-free Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: In the concurrent direct final rule (DFR) published at 86 FR 1800 on January 11, 2021, the Department stated that if a significant adverse comment was submitted by February 10, 2021, the Department would publish a timely withdrawal in the **Federal Register** informing the public that the DFR will not take effect. The Department also issued an identical Notice of Proposed Rulemaking (NPRM) on the same day (86 FR 1862). The Department received significant adverse comment prior to the close of the comment period and therefore withdrew the DFR, effective February 25, 2021. The Department also received a request to extend the comment period and is therefore reopening the comment period for 15 days. In issuing a final action, the Department will consider comments received on the DFR and NPRM during the initial comment period as well as comments received during this subsequent comment period. The Department will also provide at least 30 days' notice between promulgating a final rule that requires e-filing and the date on which e-filing will become mandatory under such a rule. Furthermore, the Department notes that several comments raised concerns with the Department's electronic filing system and not the requirements of the proposed or direct final rules. To better understand and address these concerns, the Department has scheduled listening sessions for users to provide feedback on the system. Information about those sessions is posted at <https://efile.dol.gov>.

Milton A. Stewart,

Acting Secretary of Labor.

[FR Doc. 2021–05409 Filed 3–16–21; 8:45 am]

BILLING CODE 4510–HW–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 414

[EPA-HQ-OW-2020-0582; FRL 10019-06-OW]

RIN 2040-AG10

Clean Water Act Effluent Limitations Guidelines and Standards for the Organic Chemicals, Plastics and Synthetic Fibers Point Source Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The U.S. Environmental Protection Agency (EPA or Agency) is initiating further data collection and analysis to support potential future rulemaking, under the Clean Water Act (CWA), relating to the effluent limitations guidelines, pretreatment standards and new source performance standards applicable to the Organic Chemicals, Plastics and Synthetic Fibers (OCPSF) point source category to address discharges from manufacturers of per- and polyfluoroalkyl substances (PFAS) and is considering revising the same for formulators of PFAS. PFAS are a group of man-made organic chemicals. Some PFAS compounds are persistent in the environment and in the human body. Analysis of animal studies and human epidemiological research suggest that exposure above certain levels to some PFAS may be associated with adverse human health effects. The Agency has identified several industries with facilities that are likely to be discharging PFAS in their wastewater, including OCPSF manufacturers and formulators. This advance notice of proposed rulemaking (ANPRM) provides for public review and comment on the information and data regarding PFAS manufacturers and formulators that EPA has collected to date. EPA is requesting public comment on the information and data presented in this ANPRM. EPA is also soliciting additional information and data regarding discharges of PFAS from these facilities to inform future revisions to the wastewater discharge requirements that apply to the OCPSF point source category.

DATES: Comments must be received on or before May 17, 2021.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OW-2020-0582, by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov/> (our preferred method). Follow the online instructions for submitting comments.
 - *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Water, Office of Science and Technology Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
 - *Hand Delivery or Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.–4:30 p.m., Monday–Friday (except Federal Holidays).
- Instructions:* All submissions received must include the Docket ID No. for this rulemaking. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the “Public Participation” heading of the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov/> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.
- FOR FURTHER INFORMATION CONTACT:** Ms. Samantha Lewis, Engineering and Analysis Division, Office of Science and Technology, Office of Water; telephone number: 202–566–1058; email address: lewis.samantha@epa.gov.

I. Public Participation

A. Written Comments

Submit your comments, identified by Docket ID No. EPA-HQ-OW-2020-0582, at https://www.regulations.gov (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information

you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you wish to submit such information, consult the person listed for additional information in the preceding **FOR FURTHER INFORMATION CONTACT** section. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/submitting-comments-epa>.

EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID–19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov/> as there may be a delay in processing mail and faxes. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

EPA continues to carefully and continuously monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our Federal partners so that we can respond rapidly as conditions change regarding COVID–19.

B. Supporting Information

This notice is supported by documents that are contained in the public docket. EPA has prepared an index of these materials to aid in the public's review and comment. The index can be identified by searching the docket for DCN OCPSF00116.

II. General Information

A. Does this action apply to me?

Entities potentially affected by any rulemaking following this notice include:

Category	Example of regulated entity
Industry	PFAS Manufacturers. PFAS Formulators.

This section is not intended to be exhaustive, but rather provides a guide regarding entities likely to be regulated by any future rulemaking activities following this notice. Other types of entities that are not included in the examples above could also be regulated. PFAS manufacturers are facilities that produce PFAS compounds or precursors through processes including, but not limited to, electrochemical fluorination (ECF) and telomerization. Facilities that manufacture PFAS are currently regulated under EPA's national Effluent Limitations Guidelines and Standards (ELGs) for the OCPSF category (40 CFR part 414). EPA has also gathered more limited information about PFAS formulators. PFAS formulators are facilities that are the primary customers of the PFAS manufacturers, and that use raw PFAS feedstock to (a) produce commercial or consumer goods (e.g., weather-proof caulking), or (b) as intermediary products for use in the manufacture of commercial goods (e.g., a grease-proof coating for a pizza box).

If you still have questions regarding the applicability of any future rulemaking activities following this notice to a particular entity, please consult the person listed for additional information in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. What is the purpose of this notice?

As part of EPA's statutorily required Effluent Guidelines planning process, EPA has reviewed readily available information about PFAS surface water discharges to identify industrial sources that may warrant further study for potential regulation through national ELGs. Based on the limited data available at the time, in February of 2019, EPA published the PFAS Action Plan, in which it identified several industries with facilities that are likely to be discharging PFAS compounds in their wastewater and EPA began a more detailed study to evaluate the potential for PFAS presence in their wastewater discharges. Through the PFAS Multi-Industry Study, described in EPA's Preliminary Effluent Guidelines Program Plan 14, EPA gathered a range of information about PFAS manufacturers and formulators, as well as the potential discharges of PFAS from these facilities (further details on these efforts are provided in Section V below). PFAS manufacturers are facilities that produce PFAS compounds or precursors

through processes including, but not limited to, ECF and telomerization. Facilities that manufacture PFAS are currently regulated under EPA's national ELGs for the OCPSF category (40 CFR part 414). EPA has also gathered some information about PFAS formulators. PFAS formulators are facilities that are the primary customers of PFAS manufacturers, and that use raw PFAS feedstock to (a) produce commercial or consumer goods (e.g., weather-proof caulking), or (b) as intermediary products for use in the manufacture of commercial goods (e.g., a grease-proof coating for a pizza box). EPA's data set for formulators is more limited than for manufacturers, as the Agency has identified little publicly available information on these facilities and their potential discharges.

This notice provides for public review and comment on the information that EPA has collected to date on PFAS discharges from both PFAS manufacturers and formulators. In addition, as detailed in Section V below, EPA is soliciting additional information and data regarding PFAS manufacturers and formulators, including wastewater characteristics and treatability. EPA will use any information and data received to inform potential next steps, which could include developing new or revised ELGs for these categories of dischargers. Because formulators may be subject to national ELGs outside of the OCPSF category, future EPA actions to address PFAS discharges from these facilities may include revisions to ELGs other than the ELGs that apply to the OCPSF category or proposal of a new ELG.

III. Background

A. Clean Water Act

Among its core provisions, the Clean Water Act (CWA) prohibits the discharge of pollutants from a point source to waters of the United States, except as authorized under the CWA. Under CWA Section 402, 33 U.S.C. 1342, discharges may be authorized through a National Pollutant Discharge Elimination System (NPDES) permit. The CWA outlines a dual approach for establishing discharge limits for these permits: (1) Technology-based effluent limitations that establish a floor of performance for categories of dischargers, and (2) water quality-based effluent limitations that are established where technology-based effluent limitations are insufficient to meet applicable state water quality standards (WQS) or site specific water quality goals. The CWA authorizes EPA to establish national technology-based

ELGs and new source performance standards for discharges to waters of the United States from categories of point sources (such as industrial, commercial, and public sources). These national ELGs are used by state permitting authorities to establish technology-based effluent limitations for NPDES permits.

The CWA also authorizes EPA to promulgate nationally applicable pretreatment standards that control pollutant discharges from sources that discharge wastewater indirectly to waters of the United States through Publicly Owned Treatment Works (POTWs), as outlined in Sections 307(b) and (c) of the CWA, 33 U.S.C. 1317(b) and (c). EPA establishes national pretreatment standards for pollutants in wastewater from such indirect dischargers shown to pass through, to interfere with, or to be otherwise incompatible with POTW operations. Pretreatment standards are designed to ensure that wastewaters from indirect industrial dischargers are subject to similar levels of treatment as direct dischargers in the same industrial category. See CWA Section 301(b), 33 U.S.C. 1311(b).

Technology-based effluent limitations in NPDES permits are derived from effluent limitations guidelines (CWA Sections 301 and 304, 33 U.S.C. 1311 and 1314) and new source performance standards (CWA Section 306, 33 U.S.C. 1316) promulgated by EPA. Where EPA has not promulgated an applicable ELG or new source performance standard, technology-based effluent limitations are based on the best professional judgment (BPJ) of the permitting authority. Additional limitations are also required in a permit where necessary to meet WQS. CWA Section 301(b)(1)(C), 33 U.S.C. 1311(b)(1)(C). The ELGs are established by EPA regulation for categories of industrial dischargers and are based on the degree of control that can be achieved using various levels of pollution control technology, as specified in the CWA (e.g., Best Practicable Control Technology Currently Available (BPT), Best Conventional Pollutant Control Technology (BCT), Best Available Technology Economically Achievable (BAT); see below).

The EPA promulgates national ELGs for industrial categories for three classes of pollutants: (1) Conventional pollutants (total suspended solids (TSS), oil and grease, biochemical oxygen demand (BOD₅), fecal coliform, and pH), as outlined in CWA Section 304(a)(4), 33 U.S.C. 1314(a)(4), and 40 CFR 401.16; (2) toxic pollutants (e.g., toxic metals such as arsenic, mercury, selenium, and

chromium; toxic organic pollutants such as benzene, benzo-a-pyrene, phenol, and naphthalene), as outlined in CWA Section 307(a), 33 U.S.C. 1317(a); 40 CFR 401.15 and 40 CFR part 423, appendix A; and (3) nonconventional pollutants, which are those pollutants that are not categorized as conventional or toxic (e.g., ammonia-N, phosphorus, and total dissolved solids (TDS)). PFAS compounds fall into the category of nonconventional pollutant, as they are not defined as a toxic or conventional pollutant in the CWA or the Code of Federal Regulations (CFR).

B. Effluent Guidelines Program

EPA establishes ELGs based on the performance of well-designed and well-operated control and treatment technologies. EPA is not to base technology-based requirements on their effects on the receiving water. See *Weyerhaeuser Co. v. Costle*, 599 F.2d 1011, 1028, 1042 (D.C. Cir. 1978).

There are four levels of technology-based controls applicable to direct dischargers and two levels of controls applicable to indirect dischargers. These are described in detail below as general background information:

1. Best Practicable Control Technology Currently Available (BPT)

Consistent with the CWA, EPA establishes effluent limitations based on BPT by reference to the average of the best performances of facilities within the industry, grouped to reflect various ages, sizes, processes, or other common characteristics. EPA promulgates BPT effluent limitations for conventional, toxic, and nonconventional pollutants. In specifying BPT, EPA looks at a number of factors. EPA first considers the cost of achieving effluent reductions in relation to the effluent reduction benefits. The Agency also considers the age of equipment and facilities, the processes employed, engineering aspects of the control technologies, any required process changes, non-water quality environmental impacts (including energy requirements), and such other factors as the Administrator deems appropriate. See CWA Section 304(b)(1)(B), 33 U.S.C. 1314(b)(1)(B).

2. Best Conventional Pollutant Control Technology (BCT)

The 1977 amendments to the CWA require EPA to identify additional levels of effluent reduction for conventional pollutants associated with Best Conventional Pollutant Control Technology (BCT) for discharges from existing industrial point sources. In addition to other factors specified in Section 304(b)(4)(B), 33 U.S.C.

1314(b)(4)(B), the CWA requires that EPA establish BCT limitations after consideration of a two-part “cost reasonableness” test. EPA explained its methodology for the development of BCT limitations on July 9, 1986 (51 FR 24974). Section 304(a)(4) designates the following as conventional pollutants: BOD₅, TSS, fecal coliform, pH, and any additional pollutants defined by the Administrator as conventional. The Administrator designated oil and grease as a conventional pollutant on July 30, 1979 (44 FR 44501; 40 CFR 401.16).

3. Best Available Technology Economically Achievable (BAT)

BAT represents the second level of control for direct discharges of toxic and nonconventional pollutants. As the statutory phrase intends, EPA considers technological availability and the economic achievability in determining what level of control represents BAT. CWA Section 301(b)(2)(A), 33 U.S.C. 1311(b)(2)(A). Other statutory factors that EPA must consider in assessing BAT are the cost of achieving BAT effluent reductions, the age of equipment and facilities involved, the process employed, potential process changes, non-water quality environmental impacts (including energy requirements), and such other factors as the Administrator deems appropriate. CWA Section 304(b)(2)(B), 33 U.S.C. 1314(b)(2)(B); *Texas Oil & Gas Ass’n v. EPA*, 161 F.3d 923, 928 (5th Cir. 1998). The Agency retains considerable discretion in assigning the weight to be accorded each of these factors. *Weyerhaeuser Co.*, 590 F.2d at 1045. Generally, EPA determines economic achievability based on the effect of the cost of compliance with BAT limitations on overall industry and subcategory (if applicable) financial conditions. BAT is intended to reflect the highest performance in the industry, and it may reflect a higher level of performance than is currently being achieved based on technology transferred from a different subcategory or category, bench scale or pilot studies, or foreign facilities. *Am. Paper Inst. v. Train*, 543 F.2d 328, 353 (D.C. Cir. 1976); *Am. Frozen Food Inst. v. Train*, 539 F.2d 107, 132 (D.C. Cir. 1976). BAT may be based upon process changes or internal controls, even when these technologies are not common industry practice. See *Am. Frozen Food Inst.*, 539 F.2d at 132, 140; *Reynolds Metals Co. v. EPA*, 760 F.2d 549, 562 (4th Cir. 1985); *Cal. & Hawaiian Sugar Co. v. EPA*, 553 F.2d 280, 285–88 (2nd Cir. 1977).

One way that EPA may consider differences within an industry when establishing BAT limitations is through

subcategorization. The Supreme Court has recognized that the substantive test for subcategorizing an industry is the same as that which applies to establishing fundamentally different factor variances—i.e., whether the plants are different with respect to relevant statutory factors. See *Chem. Mfrs. Ass’n v. EPA*, 870 F.2d 177, 214 n.134 (5th Cir. 1989) (citing *Chem. Mfrs. Ass’n v. NRDC*, 470 U.S. 116, 119–22, 129–34 (1985)). Courts have stated that there need only be a rough basis for subcategorization. See *Chem. Mfrs. Ass’n*, 870 F.2d at 215 n.137 (summarizing cases).

4. Best Available Demonstrated Control Technology/New Source Performance Standards (NSPS)

NSPS reflect “the greatest degree of effluent reduction” that is achievable based on the “best available demonstrated control technology” (BADCT), “including, where practicable, a standard permitting no discharge of pollutants.” CWA Section 306(a)(1), 33 U.S.C. 1316(a)(1). Owners of new facilities have the opportunity to install the best and most efficient production processes and wastewater treatment technologies. As a result, NSPS generally represent the most stringent controls attainable through the application of BADCT for all pollutants (that is, conventional, nonconventional, and toxic pollutants). In establishing NSPS, EPA is directed to take into consideration the cost of achieving the effluent reduction and any non-water quality environmental impacts and energy requirements. CWA Section 306(b)(1)(B), 33 U.S.C. 1316(b)(1)(B).

5. Pretreatment Standards for Existing Sources (PSES)

Section 307(b) of the CWA, 33 U.S.C. 1317(b), authorizes EPA to promulgate pretreatment standards for discharges of pollutants to POTWs. PSES are designed to prevent the discharge of pollutants that pass through, interfere with, or otherwise are incompatible with the operation of POTWs. Categorical pretreatment standards are technology-based and are analogous to BPT and BAT effluent limitations guidelines, and thus the Agency typically considers the same factors in promulgating PSES as it considers in promulgating BPT and BAT. The General Pretreatment Regulations, which set forth the framework for the implementation of categorical pretreatment standards, are found at 40 CFR part 403. These regulations establish pretreatment standards that apply to all non-domestic dischargers. See 52 FR 1586 (January 14, 1987).

6. Pretreatment Standards for New Sources (PSNS)

Section 307(c) of the CWA, 33 U.S.C. 1317(c), authorizes EPA to promulgate PSNS at the same time it promulgates NSPS. As is the case for PSES, PSNS are designed to prevent the discharge of any pollutant into a POTW that interferes with, passes through, or otherwise is incompatible with the POTW. In selecting the PSNS technology basis, the Agency generally considers the same factors it considers in establishing NSPS, along with the results of a pass-through analysis. Like new sources of direct discharges, new sources of indirect discharges have the opportunity to incorporate into their operations the best available demonstrated technologies. As a result, EPA promulgates pretreatment standards for new sources based on best available demonstrated control technology for new sources. See *Nat'l Ass'n of Metal Finishers v. EPA*, 719 F.2d 624, 634 (3rd Cir. 1983).

C. Summary of the Existing OCPSF ELGs

The OCPSF ELGs (40 CFR part 414) were originally promulgated in 1987, and then amended in 1989, 1990, 1992, and 1993. The OCPSF category includes more than 1,000 chemical facilities producing over 25,000 end products. These include such products as benzene, toluene, polypropylene, polyvinyl chloride, chlorinated solvents, rubber precursors, rayon, nylon, and polyester. The OCPSF industry is large and diverse with complex operations and processes. Some plants produce chemicals in large volumes through continuous chemical processes, while others produce only small volumes of "specialty" chemicals through batch chemical processes.

Only a small subset of the facilities that are currently regulated under the OCPSF ELGs manufacture or formulate PFAS. Although the OCPSF ELGs may apply to PFAS manufacturers and formulators, the OCPSF ELGs do not establish effluent limitations or pretreatment standards for any PFAS compounds. Rather, the revision to the OCPSF ELGs would address PFAS discharges from PFAS manufacturers and formulators.

IV. The EPA's PFAS Multi-Industry Study and Identification of PFAS Manufacturers and Formulators for Potential Regulation

As described in the Preliminary Effluent Guidelines Program Plan 14 (Preliminary Plan 14), published in October 2019, EPA conducted an initial examination of readily available public

information about PFAS surface water discharges to identify industrial sources that may warrant further study. The Preliminary Plan 14 docket (EPA-HQ-OW-2018-0618) includes a summary of the information EPA reviewed and a report with a more thorough description of our review activities. Based on this initial review, EPA decided to conduct further studies to better understand and document facilities discharging PFAS compounds to surface waters and to POTWs. This was introduced in the Preliminary Plan 14 as the PFAS Multi-Industry Study.

The goals of the PFAS Multi-Industry Study are to identify industries and specific facilities producing or using PFAS compounds; quantify—to the best of EPA's ability—the amounts of PFAS being discharged; identify PFAS control practices and treatment technologies; document PFAS removal efficiency in wastewater; and estimate costs associated with PFAS treatment systems. EPA identified the following industrial point source categories as the primary focus of this study: OCPSF manufacturers; pulp and paper manufacturers; textiles and carpet manufacturers; and commercial airports.¹

For the OCPSF manufacturers, EPA reviewed numerous data sources and identified six PFAS manufacturers and ten likely PFAS formulators. EPA is not sure that the ten facilities that it identified as "likely" PFAS formulators are actually PFAS formulators due to limited data available at this time. We discuss each of these data sources in greater detail below.

EPA reviewed 2019 Discharge Monitoring Reports (DMRs) and obtained PFAS data for six PFAS manufacturers and three likely PFAS formulators (the other seven facilities do not report PFAS compounds in their DMRs or they do not have DMRs because they are indirect dischargers). These nine facilities combined reported a total of 17 PFAS compounds in their discharges. Based on the DMRs, effluent data detected a total of 15 PFAS compounds, and concentrations ranged from non-detect to 777 parts per billion (ppb). The "2019 Monitoring Period Level DMR PFAS Data" (DCN OCPSF00030) includes additional information on the compounds that were monitored, and the concentration ranges reported in DMRs.

EPA reviewed NPDES permits for these PFAS manufacturers and formulators to evaluate whether their permits contain effluent limitations or

monitoring requirements for PFAS compounds. One current NPDES permit in West Virginia contains effluent limitations for two PFAS compounds (Perfluorooctanoic acid (PFOA) and Hexafluoropropylene oxide dimer acid (HFPODA) that go into effect on September 1, 2021. Another facility in North Carolina is under a consent decree with requirements for no discharge of PFAS process wastewater. See DCN OCPSF00079 for consent decree. The North Carolina facility is currently hauling all PFAS process wastewater off-site for disposal. The consent decree went into effect on February 25, 2019 and ends on January 31, 2023. This North Carolina facility reported detections of PFOA for 9 of 12 reporting periods in 2019 DMRs, including periods after February 2019. Four of the other PFAS manufacturers and formulators have PFAS monitoring requirements, and no effluent limitations, in their NPDES permits. Two Alabama facilities and one Illinois facility are operating under expired, administratively continued NPDES permits. The NPDES permit materials collected and reviewed are available as DCNs OCPSF000008 to OCPSF00025.

EPA also reviewed the Toxics Release Inventory (TRI), which is managed by EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) and tracks annual environmental waste management, including releases, of 767 individually listed chemicals and 33 chemical categories from industrial facilities that manufacture, process, or otherwise use these chemicals in amounts above their applicable reporting thresholds. Release of a TRI chemical refers to an emission to air, discharge to water, or placement in some type of land disposal. EPA has not yet received any information or data pertaining to the release of PFAS compounds through TRI reporting. However, the National Defense Authorization Act for Fiscal Year 2020 added 172 PFAS compounds to the TRI. TRI reporting for these PFAS will be due to EPA by July 1, 2021, for calendar year 2020 data. For additional information on the addition of 172 PFAS to TRI, see <https://www.epa.gov/toxics-release-inventory-tri-program/list-pfas-added-tri-ndaa>.

EPA reviewed data from the Toxic Substances Control Act (TSCA) Inventory, which lists chemicals manufactured (including imported) or processed in the United States. The TSCA Inventory, managed by the Office of Pollution Prevention and Toxics (OPPT) within OCSPP, currently lists more than 86,000 chemicals, of which approximately half are currently in

¹ Military bases and airports are not included in the scope of this study.

commerce or “active.” For PFAS specifically, the TSCA Inventory lists over one thousand compounds, of which approximately half are known to be commercially active within the last decade. The TSCA Inventory by itself cannot be used to identify dischargers.

EPA also reviewed the Chemical Data Reporting (CDR) database, which compiles information collected under a TSCA Section 8(a) rule that requires chemical manufacturers (including importers) to provide EPA with production, import, and customer use information about chemicals in commerce. Manufacturers and importers must report to the CDR database if they meet certain annual volume thresholds, typically 25,000 pounds, but 2,500 pounds for chemicals subject to certain TSCA actions. EPA matched the chemicals in the 2016 CDR data (the most recent year available)² against EPA’s Cross-Agency Research List³ and identified 118 PFAS compounds in the CDR database. See DCN OCPSF00032 for “2016 nonCBI CDR Data for PFAS Compounds” and DCN OCPSF00003 for “EPA’s CompTox Cross Agency PFAS List.” Using this list of CDR PFAS compounds, EPA summed the reported production volumes to calculate a total PFAS production and importation volume of approximately 608 million pounds for 2015. See DCN OCPSF00033 for “Review of 2015 non-CBI CDR Data for PFAS Compounds.” The CDR database contains data identifying which facilities produced PFAS compounds, but does not have any information on PFAS discharges. The six PFAS manufacturing facilities that reported 2019 DMR data also appear in the CDR data as domestic manufacturers of 76 separate PFAS compounds. An additional 55 facilities appear in the CDR dataset; however, EPA has no corresponding data on their potential PFAS discharges. The deadline for the CDR data for the 2020 reporting cycle is in January 2021. Additional PFAS-related data submitted by CDR sites can be assessed shortly thereafter.

EPA collected and reviewed 15 treatment technology technical articles from a range of sources including EPA

publications, federal, state, and local government publications, PFAS manufacturers, and non-governmental organizations (NGOs). Through these articles, EPA identified eight potential technologies that can remove PFAS from wastewater. These include granular activated carbon, reverse osmosis filtration, and ion exchange. A full list of available technologies that EPA has identified to date is included in DCN OCPSF00096.

EPA began stakeholder outreach in July 2019 by meeting with stakeholders to collect, on a voluntary basis, additional information such as supplementary effluent data, information on PFAS compounds being produced/used and discharged, and any information about treatment technologies being used, along with their effectiveness and costs, to augment the available information EPA reviewed. This information gathering effort was performed under the Multi-Industry Study noted above. The information provided by stakeholders is included in DCN OCPSF00042–OCPSF00078.

EPA met with the FluoroCouncil of the American Chemistry Council,⁴ the primary trade association that represents PFAS manufacturers and formulators, and its members. See DCN OCPSF00054 for meeting notes. They provided EPA with technical literature concerning PFAS terminology and classification, a list of short chain fluorotelomers studies, an economic assessment of the U.S. fluoropolymer industry, and the names of contacts at entities that they identified as the sole three PFAS manufacturing companies in the United States. These three manufacturers (with a total of six facilities) mirrored the six facilities for which EPA found DMR data and an additional facility for which EPA received internal monitoring data.

EPA met with representatives of one company that operates multiple facilities that manufacture PFAS in West Virginia, New Jersey and North Carolina. They provided EPA with a copy of the presentation they gave during their meeting with the Agency, a copy of a New Jersey facility’s NPDES permit, data for an internal outfall at that facility, a document addressing PFAS concerns at a North Carolina facility, and technical literature on fluoropolymers of low concern. See DCN OCPSF00061 for meeting notes and DCNs OCPSF00062 to OCPSF00064 for materials provided.

EPA met with representatives of one company that operates multiple facilities that manufacture PFAS in Alabama, Illinois and Minnesota. Representatives of this company provided EPA with a PFAS production history in addition to current PFAS product categories, wastewater process flow diagrams, copies of their NPDES permits, documentation for a direct injection analytical method, sampling data for both PFAS manufacturing facilities and a formulating facility, and related published literature. See DCN OCPSF00042 for meeting notes and DCNs OCPSF00043 to OCPSF00052 for materials provided.

EPA met with representatives of another PFAS manufacturing facility in Alabama. See DCN OCPSF00065 for meeting notes.

EPA spoke to a representative of another company who stated that the company does not produce PFAS compounds in the United States. EPA learned that this company imports products from international manufacturing facilities and other manufacturers both inside and outside of the United States. Those materials are further processed at a domestic facility in Pennsylvania. See DCN OCPSF00060 for meeting notes. EPA is not aware of any PFAS discharge data from this facility, but EPA is requesting additional information regarding these and similar operations through this notice.

EPA made attempts to contact the other PFOA/PFOS Stewardship Program <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/fact-sheet-20102015-pfoa-stewardship-program>) companies but did not receive any additional information. EPA continues to coordinate with manufacturers to obtain additional information, including a list of PFAS compounds they manufacture, documentation for the analytical methods they use to analyze PFAS in waste streams, and PFAS analytical data collected from source water, process water, and effluent at their facilities.

EPA spoke with representatives of the Michigan Department of Environment, Great Lakes, & Energy (MI EGLE). Michigan EGLE provided EPA with sampling data for 30 direct discharging facilities and 633 indirect discharging facilities across 44 industrial categories, mostly for PFOA and PFOS. See DCN OCPSF00067 for direct discharging data and DCN OCPSF00068 for indirect discharging data provided by MI EGLE.

Four of these facilities were likely PFAS formulators based on the concentrations of PFAS in discharges and the operations of the facilities. EPA also reviewed an investigation report

² The information for the CDR is collected every four years from manufacturers (including importers). The 2016 CDR data contains information reported in 2016 and covering 2012 to 2015. <https://www.epa.gov/chemical-data-reporting/basic-information-about-chemical-data-reporting#what>.

³ EPA’s Cross-Agency Research PFAS list, from the CompTox Chemicals Dashboard, is a manually curated listing of mainly straight-chain and branched PFAS compiled from various internal, literature and public sources by EPA researchers and program office representative (<https://comptox.epa.gov/dashboard>).

⁴ The FluoroCouncil of the American Chemistry Council has disbanded since EPA last spoke to them.

from EPA's Region 3, looking for potential PFAS sources in Goose Creek, Pennsylvania. From this report, EPA was able to identify another likely PFAS formulator. See DCN OCPSPF00038 for report and communications.

V. Request for Further Information on PFAS Manufacturers and Formulators

A. PFAS Manufacturers

EPA has identified six facilities (Alabama, North Carolina, West Virginia, New Jersey, Illinois) in the United States that currently manufacture PFAS compounds and have an associated wastewater discharge.

Throughout the course of EPA's PFAS Multi-Industry Study, the Agency worked collaboratively with stakeholders to obtain information regarding facilities that manufacture and formulate fluorochemicals in the United States. EPA appreciates the information that these entities have provided to the Agency to date.⁵ This information has greatly increased the Agency's understanding of current manufacturing facilities, their operations, their production of fluorochemicals, their wastewater generation activities, and their wastewater treatment activities. After reviewing the information received to date, EPA is inviting stakeholders to review this information and provide comment and is seeking additional information and data to inform EPA's next steps.

Specifically, EPA is requesting the following information and data regarding PFAS manufacturers:

1. The identity of or suggestions for how to identify any other facilities in the United States currently manufacturing PFAS.
2. Descriptions of the manufacturing processes being employed at PFAS manufacturing facilities, including process flow diagrams.
3. Information and data on the specific PFAS compounds that are currently being produced (including as byproducts) at these facilities (including the product name, CAS number and class of each compound), the quantities that are being produced, the customers or industries that are purchasing these materials, and the quantities of materials sold to various customers. For sales, EPA is also interested in knowing the quantities of PFAS compounds that are exported outside of the United States.
4. Identification of the wastewater streams at manufacturing facilities that contain PFAS (*e.g.*, process wastewater,

cooling water, contaminated stormwater, wastewater from aqueous scrubbers or air pollution control equipment, off-specification products, equipment cleaning wastewater, spills and leaks), their volumes, characteristics, the identity (including CAS Number), and concentrations of PFAS compounds in those individual waste streams.

5. Information and data on the current wastewater treatment and management practices (including pollution prevention and product recovery practices) being utilized at existing PFAS manufacturers. Specific information requested includes descriptions of the treatment technologies, their size and flow rate, process flow diagrams, capital and operation and maintenance costs, treatment chemical utilization, and residuals generation and management. If wastewater storage ponds are used to hold PFAS wastewater, EPA also requests a description of the ponds, including purpose, age, capacity, design, wastewater characteristics, whether they are lined or unlined, and whether they have discharge outfalls.

6. If manufacturers are not treating PFAS containing wastewater onsite, EPA is requesting information on the management or disposal practices being utilized (*e.g.*, zero liquid discharge, disposal wells, transfer to off-site centralized waste treatment facilities or transfer to POTWs), the volumes of wastewaters being managed via different practices, the name and location of the facilities receiving wastewaters, and their associated costs.

7. Information and data on future planned process changes at existing PFAS manufacturing facilities, any plans to change or phase-out manufacture of specific fluorinated compounds or to increase or decrease production of specific compounds, and any planned major upgrades to existing manufacturing facilities or construction of new PFAS manufacturing facilities in the United States. EPA is also requesting information regarding any potential changes in PFAS manufacturing processes, pollution prevention practices or chemicals used as PFAS substitution, or use and cost of specific technologies that can reduce the quantity of PFAS in wastewater from PFAS manufacturing operations.

8. EPA has collected existing publicly available DMR data and monitoring data from known manufacturers, as well as data from TRI and CDR databases, as indicated in the docket. These DMRs contain data on only a subset of the total PFAS that are potentially present in discharges from these facilities. EPA

requests additional monitoring data (see DCN OCPSPF00115 for suggested data format and fields) on PFAS compounds in wastewater discharges from PFAS manufacturing facilities. Since there is currently no CWA-approved analytical method promulgated for analysis of PFAS compounds in wastewater, EPA requests that monitoring data that is submitted include information on the analytical methods used as well as associated information and data that can be used by EPA to determine the quality of the data. EPA also requests comment on whether additional PFAS compounds or precursors that are not reported in DMRs are found in wastewater discharges from these facilities, and the quantities of such PFAS compounds, precursors, and other organofluoride compounds found in untreated and treated wastewaters from these facilities. In addition to data on individual compounds, EPA is also particularly interested in data that would provide the total quantity of organofluorides present, such as would be provided by a Total Organic Fluorine (TOF) analysis or other assays.

9. In addition to treatment technologies being used at the six known PFAS manufacturing facilities, EPA is requesting additional information and data regarding treatment and destruction technologies for PFAS in industrial wastewater, including data on their performance, costs (both capital and operation and maintenance), and the types, quantities and management practices for any treatment residuals that are generated. Data from laboratory, bench, pilot, and full-scale facilities are requested. EPA also requests comment on the 15 treatment technology articles included in the docket.

10. Analytical methodologies used to monitor wastewater at PFAS manufacturing facilities, including in house SOPs and method performance data, including lists of specific PFAS compounds being monitored, and any aggregate procedures (*e.g.*, adsorbable or extractable organic fluorine by combustion ion chromatography).

11. Any studies that have been conducted concerning environmental or human health impacts (*e.g.*, toxicity, risk, fate and transfer, cross media) of PFAS discharges from PFAS manufacturers.

B. PFAS Formulators

EPA has identified limited publicly available information regarding the universe of PFAS formulators. To date, EPA has identified ten facilities (in Ohio, Virginia, Michigan, Minnesota, Pennsylvania and New Jersey) that are

⁵ These data and information are contained in the docket supporting this notice.

potential formulators, but requests additional details regarding formulator facilities.

As with manufacturers, EPA is interested in obtaining additional information and data regarding discharges of PFAS from formulators in order to inform the Agency's decision-making regarding the need for new or revised ELGs for these types of facilities. EPA is requesting the following information and data from PFAS formulators:

1. Identification of all known PFAS formulators in the United States.
2. Descriptions of the manufacturing processes occurring at formulating facilities, including descriptions of how PFAS compounds are utilized at these facilities.
3. The SIC or NAICS codes of formulating facilities.
4. Information and data on the PFAS compounds that are currently being used at these facilities (including the product name, CAS number and class of each compound), the quantities that are being used, the quantities that are being sold or transferred for further processing or as materials for incorporation into finished products, and the customers or industries that are purchasing these materials and products.
5. Information on whether PFAS is being imported by formulators from outside the United States, and if any formulators are exclusively utilizing imported PFAS.
6. The locations and number of formulating facilities, as well as whether process wastewater associated with PFAS formulating is being discharged at these facilities.
7. Whether facilities have current monitoring requirements for PFAS or other fluorocarbons.
8. Information and data on the current wastewater treatment and management practices (including pollution prevention and product recovery practices) being utilized at existing PFAS formulators. Specific information requested includes descriptions of the treatment technologies, their size and flow rate, process flow diagrams, capital and operation and maintenance costs, treatment chemical utilization, and residuals generation and management. If wastewater storage ponds are used to hold PFAS wastewater, provide a description of the ponds including purpose, age, capacity, design, wastewater characteristics, whether they are lined or unlined, and whether they have discharge outfalls.
9. For facilities that discharge process wastewater, whether facilities are subject to national ELGs, and if so, identification of the applicable part(s)

and subpart(s) (e.g., 40 CFR 414 Subpart H) and the wastewater discharge permit identification numbers. EPA is also requesting copies of NPDES permits and fact sheets (or statement of basis) for direct discharging facilities, and copies of control agreements for indirect discharging facilities.

10. Process flow diagrams showing where wastewater is generated.

11. Identification of the wastewater streams at formulating facilities that contain PFAS (e.g., process wastewater, cooling water, contaminated stormwater, wastewater from aqueous scrubbers or air pollution control equipment, off-specification products, equipment cleaning wastewater, spills and leaks), their volumes, characteristics, and concentrations of PFAS compounds in those individual waste streams.

12. If formulators are not treating PFAS containing wastewater onsite, EPA is requesting information on the management or disposal practices being utilized (e.g., zero liquid discharge, disposal wells, transfer to off-site centralized waste treatment facilities or transfer to POTWs), the volumes of wastes being managed via different practices, and their associated costs.

13. Information and data on future planned process changes at formulators, any plans to change or phase-out use of specific fluorinated compounds or to increase or decrease production of specific compounds, and any planned major upgrades to existing formulating facilities or construction of new formulating facilities in the United States.

14. EPA has collected existing publicly available DMR data and monitoring data from potential PFAS formulators, as well as data from TRI and CDR databases, as indicated in the docket. These DMRs contain data on only a subset of the total PFAS that are potentially present in discharges from these facilities. EPA requests additional monitoring data (see DCN OCPSF00115 for suggested data format and fields) on PFAS compounds in wastewater discharges from PFAS formulating facilities. Since there is currently no CWA-approved analytical method promulgated for analysis of PFAS compounds in wastewater, EPA requests that monitoring data that is submitted include information on the analytical methods used as well as associated information and data that can be used by EPA to determine the quality of the data. EPA also requests comment on whether additional PFAS compounds or precursors that are not reported in DMRs are found in wastewater discharges from these facilities, and the

quantities of such PFAS compounds, precursors and other organofluoride compounds found in untreated and treated wastewaters from these facilities. In addition to data on individual compounds, EPA is also particularly interested in data that would provide the total quantity of organofluorides present, such as would be provided by a Total Organic Fluorine (TOF) analysis or other assays.

15. EPA is interested in information regarding any potential changes in PFAS formulating processes, pollution prevention practices or product substitution, or use and cost of specific technologies that can reduce the quantity of PFAS in wastewater from PFAS formulating operations.

16. Analytical methodologies used to monitor wastewater at PFAS formulating facilities, including in house SOPs and method performance data, including lists of specific PFAS compounds being monitored, and any aggregate procedures (e.g., adsorbable or extractable organic fluorine by combustion ion chromatography).

17. Any studies that have been conducted concerning environmental or human health impacts (e.g., toxicity, risk, fate and transfer, cross media) of PFAS discharges from formulators.

VI. Statutory and Executive Order Reviews

Under Executive Order 12866, titled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), this is a "significant regulatory action" "because the action raises novel legal or policy issues." Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Order 12866, and any changes made in response to OMB recommendations have been documented in the docket for this action. Because this action does not propose or impose any requirements, other statutory and Executive Order reviews that apply to rulemaking do not apply. Should EPA subsequently determine to pursue a rulemaking, EPA will address the statutes and Executive Orders that apply to that rulemaking.

EPA welcomes comments and/or information that would help the Agency to assess any of the following: The potential impact of a rule on small entities pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*); potential impacts on federal, state, or local governments pursuant to the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531–1538); federalism implications pursuant to Executive Order 13132, entitled *Federalism* (64 FR 43255, November 2,

1999); availability of voluntary consensus standards pursuant to Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113; tribal implications pursuant to Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000); environmental health or safety effects on children pursuant to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997); energy effects pursuant to Executive Order 13211, entitled *Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001); Paperwork burdens pursuant to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501); or human health or environmental effects on minority or low-income populations pursuant to Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). The Agency will consider such comments during the development of any subsequent rulemaking.

List of Subjects in 40 CFR Part 414

Environmental protection, Chemicals, Plastics materials and synthetics, Waste treatment and disposal, Water pollution control.

Jane Nishida,

Acting Administrator.

[FR Doc. 2021–05402 Filed 3–16–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

42 CFR Part 100

RIN 0906–AB24

National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of proposed withdrawal; request for comments.

SUMMARY: HHS proposes rescinding the final rule entitled “National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table,” published in the **Federal Register** on January 21, 2021. That final rule, if it were to go into effect, would amend our

regulations by removing Shoulder Injury Related to Vaccine Administration (SIRVA), vasovagal syncope, and the new vaccines category (Item XVII) from the vaccine injury Table (Table). HHS seeks comments on this proposed rescission.

DATES: The final rule published January 21, 2021, at 86 FR 6249, delayed February 23, 2021, at 86 FR 10835, is proposed to be withdrawn. Written comments and related material to this proposed withdrawal must be received on or before April 16, 2021.

ADDRESSES: You may submit written comments electronically by the following method: *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions on the website for submitting comments.

Instructions. Include the HHS Docket No. HRSA–2021–0001 in your comments. All comments received will be posted without change to <http://www.regulations.gov>. Please do not include any personally identifiable or confidential business information you do not want publicly disclosed.

FOR FURTHER INFORMATION CONTACT:

Please visit the National Vaccine Injury Compensation Program’s website, <https://www.hrsa.gov/vaccinecompensation/>, or contact Tamara Overby, Acting Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, HRSA, Room 08N146B, 5600 Fishers Lane, Rockville, MD 20857; by email at vaccinecompensation@hrsa.gov; or by telephone at (855) 266–2427.

SUPPLEMENTARY INFORMATION: This is a notice of proposed rulemaking by which HHS proposes to rescind the final rule titled “National Vaccine Injury Compensation Program: Revisions to the Vaccine Injury Table,” (final rule), January 21, 2021, 86 FR 6249, delayed February 23, 2021, 86 FR 10835, which, if it were to go into effect, would amend the provisions of 42 CFR 100.3 by removing Shoulder Injury Related to Vaccine Administration (SIRVA), vasovagal syncope, and the new vaccines category (Item XVII) from the Table.

I. Background and Purpose

The National Childhood Vaccine Injury Act of 1986, title III of Public Law 99–660 (42 U.S.C. 300aa–10 *et seq.*) (Vaccine Act), established the National Vaccine Injury Compensation Program (VICP) to ensure an adequate supply of vaccines, stabilize vaccine costs, and establish and maintain an accessible and efficient forum for individuals found to be injured by certain vaccines

to be compensated. The Vaccine Act has been amended several times since 1986.

Petitions for compensation under this Program are filed in the United States Court of Federal Claims (Court), with a copy served on the Secretary, who is the “Respondent.” The Court, acting through judicial officers called Special Masters, makes findings as to eligibility for, and the amount of, compensation. To be found entitled to an award under the VICP, a petitioner must establish a vaccine-related injury or death, either by proving that a vaccine actually caused or significantly aggravated an injury (causation-in-fact) or by demonstrating the occurrence of what has been referred to as a Table injury. That is, a petitioner may show that the vaccine recipient suffered an injury of the type enumerated in the regulations at 42 CFR 100.3—the Vaccine Injury Table—corresponding to the vaccination in question, and that the onset of such injury took place within a time period also specified in the Table. The Table is accompanied by, among other provisions, the Qualifications and Aids to Interpretation (QAI), which defines the injuries and conditions listed on the Table. If these criteria are met, the injury is presumed to have been caused by the vaccination, and the petitioner is entitled to compensation (assuming that other requirements are satisfied), unless the respondent affirmatively shows that the injury was caused by some factor other than the vaccination (*see* 42 U.S.C. 300aa–11(c)(1)(C)(i), 300aa–13(a)(1)(B)), and 300aa–14(a)). Currently, cases are often resolved by negotiated settlements between the parties and approved by the Court. In such situations, HHS and the Court have not concluded, based upon review of the evidence, that the vaccine caused the alleged injury.

Revisions to the Table are authorized under the Vaccine Act (42 U.S.C. 300aa–14(c)–(e)). The Vaccine Act prohibits the Secretary of HHS from proposing a revision to the Table “unless the Secretary has first provided to the [Advisory] Commission [on Childhood Vaccines] a copy of the proposed regulation or revision, requested recommendations and comments by the Commission, and afforded the Commission at least 90 days to make such recommendations” (42 U.S.C. 300aa–14(d)). Further, once the proposed revision is published, the Secretary must afford the public at least 180 days of public comment (42 U.S.C. 300aa–14(c)(1)).

HHS added SIRVA and vasovagal syncope to the Table in March 2017, following an extensive, multi-year process that involved nine HHS workgroups, including HRSA and the

Centers for Disease Control and Prevention, and the 2012 Institute of Medicine report, “Adverse Effects of Vaccines: Evidence and Causality,” 82 FR 6294–95. The notice of proposed rulemaking (NPRM) provided a 180-day comment period that resulted in the receipt of 14 written comments; 13 from individuals and one from a national organization (*Id.* at 6296). In addition, a public hearing on the proposed rule was held on January 14, 2016 (*Id.*). Almost a year after considering the 14 written comments and the remarks at the public hearing, HHS issued the final rule that added SIRVA and vasovagal syncope to the Table (*Id.* at 6294).

On July 20, 2020, HHS published an NPRM proposing to amend the Table by removing SIRVA, vasovagal syncope, and new vaccines category (Item XVII), 85 FR 43794. Item XVII includes “[a]ny new vaccine recommended by the Centers for Disease Control and Prevention for routine administration to children, after publication by the Secretary of a notice of coverage.” SIRVA and vasovagal syncope are also listed as associated injuries for this category. That NPRM stated that HHS provided its proposed revisions to the Advisory Commission on Childhood Vaccines (ACCV) for its comments “on or about February 15, 2020,” and that “[a]s part of its mandate under the [Vaccine] Act, the ACCV considered the proposed changes set forth in this NPRM on March 6, 2020, and May 18, 2020” (*Id.* at 43799 & n. 19). However, the NPRM was not officially provided to the ACCV as a group in mid-February 2020, and, while the statute requires the Secretary to request “recommendations and comments by the Commission,” instead the draft NPRM was mailed in hard copy to each of the ACCV members, marked “privileged and confidential,” with a request for comments from the individual members. Although the then-Chair started the first brief discussion of the draft NPRM at the ACCV meeting on March 6, 2020, the draft NPRM was not on the agenda (*see* <https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/meetings/2020/accv-agenda-march2020.pdf>), and no members of the ACCV other than the then-Chair knew in advance that it would be discussed. One ACCV member commented at the meeting that she thought that the members were not permitted to discuss the draft NPRM. Several members stated that they had questions about the draft NPRM and wished to have further discussion (*see* <https://www.hrsa.gov/sites/default/files/hrsa/advisory->

[committees/vaccines/meetings/2020/accv-march-meeting-minutes.pdf](https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/meetings/2020/accv-march-meeting-minutes.pdf)).

At the May 18, 2020, ACCV meeting, three ACCV members expressed their concern that no HHS representative was present to explain the draft NPRM, provide scientific evidence in support, or discuss the recommendations with the ACCV members (*see* <https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/meetings/2020/accv-may-meeting-minutes.pdf>). It was highly unusual for HHS to propose a revision to the Table without sending an agency representative to discuss the proposal with the ACCV. The ACCV unanimously voted to oppose the proposed changes to the Table, and sent a recommendation to the Secretary opposing the draft NPRM for many reasons including: (1) No representative from HHS was made available to provide the evidence and reasoning behind the draft NPRM; (2) SIRVA and vasovagal syncope, though rare, are injuries caused by vaccines; (3) exposing vaccine administrators to civil liability could be a disincentive to vaccine administration and result in lower vaccination rates; and (4) the explanation in the draft NPRM did not meet the ACCV’s guiding principles for recommending changes to the VICP Table (*see* <https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/vaccines/reports/accv-recommendation-may-2020.pdf>).

On October 29, 2020, HHS published in the **Federal Register** a Notice that a hearing on the NPRM would be held on November 9, 2020, 85 FR 68540. Unfortunately, that **Federal Register** Notice incorrectly gave a deadline of October 26, 2020 (three days earlier than the Notice was published) for individuals to register to speak at the hearing, 85 FR 68540. A correction extending the deadline to November 5, 2020, was published in the **Federal Register** on November 6, 2020 (one day after the deadline), 85 FR 71046. Despite these notice issues, 26 individuals spoke at the public hearing; all were opposed to the NPRM (*see* <https://www.regulations.gov/document/HRSA-2020-0002-0373>).

The comment period for the NPRM closed on January 12, 2021, at 11:59 p.m. HHS received over 760 comments. Over 150 of those comments, more than 20 percent, were posted on the last day of the comment period or the next day, since some comments were received after normal business hours. Four business days later, on January 19, 2021, the **Federal Register** posted for public inspection the final rule amending the Table.

Both the final rule and the NPRM included the following instruction: “In § 100.3, revise paragraph (a) and remove paragraphs (c)(10) and (13) and (e)(8). The revision reads as follows:” Removing paragraphs (c)(10) and (c)(13) would strike the definitions of SIRVA and vasovagal syncope, respectively, from the QAI, and removing (e)(8) would strike the new vaccines category (Item XVII of the Table) from the Coverage Provisions section of the regulation. However, what followed the instruction was only subsection (a) and the Table itself, but not the rest of the regulation, including the revised (c) QAI and (e) Coverage Provisions, which are a critical part of the regulation, 86 FR 6267; 85 FR 43804. Furthermore, the version of the Vaccine Injury Table that is currently displayed on the eCFR includes a link titled “Link to an amendment published at 86 FR 6267, Jan. 21, 2021.” This link displays only the Vaccine Injury Table that was published in the final rule (*see* <https://www.ecfr.gov/cgi-bin/text-idx?SID=f5f03d551be5379a43b4de00614dafaa&mc=true&node=20210121y1.4>). However, it does not include the (b) Provisions that apply to all conditions listed, (c) QAI, (d) Glossary for purposes of paragraph (c), and/or (e) Coverage Provisions sections of the Table.

On January 20, 2021, the first day of the new Administration, the President’s Chief of Staff sent a memorandum entitled “Regulatory Freeze Pending Review,” which, among other things, instructed federal agencies to, “[w]ith respect to rules that have been sent to the OFR but not published in the **Federal Register**, immediately withdraw them from the OFR for review and approval” (<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/>). The final rule was published in the **Federal Register** on January 21, 2021, with an effective date of February 22, 2021, 86 FR 6249.

The Regulatory Freeze Memorandum also instructed federal agencies to consider delaying the effective date of rules published in the **Federal Register**, but which have not yet taken effect, for a period of 60 days so that the new Administration may review recently published rules for “any questions of fact, law, and policy the rule may raise” (*see* <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/regulatory-freeze-pending-review/>).

Pursuant to that direction, and after a brief public comment period, effective February 22, 2021, HHS delayed the effective date of the final rule until

April 23, 2021, so that the new Administration could review the final rule for “any questions of fact, law, and policy the rule may raise” (86 FR 10835). Specifically, HHS delayed the final rule to determine whether its promulgation raised any legal issues, including but not limited to (1) whether ACCV was properly notified of the proposed rule pursuant to 42 U.S.C. 300aa–14(c) and (d), and (2) whether the public was properly notified of the entire revised regulation, 42 CFR 100.3(b)–(e) (including the qualifications and aids to interpretation and the coverage provisions), given that both the proposed and final rules published in the **Federal Register** included only the revised Vaccine Injury Table itself, but not the entire revised regulation (*Id.* at 10835–36).

II. Discussion of Proposed Rescission

HHS proposes to rescind the final rule published on January 21, 2021, for both procedural and policy reasons. HHS has already been alerted to the fact that members of the public believe that the promulgation of the final rule was irregular in its haste, which stands in contrast to the extensive, multi-year process HHS followed to add SIRVA and vasovagal syncope to the Table in March 2017, and that HHS did not fully engage with either the ACCV or the public regarding its rationale behind the NPRM to subsequently remove these conditions from the Table. HHS agrees that the rule’s promulgation further raises problematic issues related to the perceived procedural defects. Members of the public have raised concern that this Table modification was highly unusual because HHS failed to appear before the ACCV to discuss its proposed modification to the Table, and modified the Table over the opposition of the ACCV. Although HHS is not legally required to appear before the ACCV or accept the ACCV’s recommendations, HHS acknowledges the ACCV’s valid complaints that it was not able to fully engage in the process, which arguably runs counter to the ACCV’s statutory purpose. Commenters and the ACCV itself pointed out that the method of transmittal of the NPRM to the ACCV and the manner in which it was introduced at the March 6, 2020 ACCV meeting raises concerns regarding whether the ACCV as a body had the full 90 days to make recommendations, as required by the Vaccine Act. HHS agrees that there is a legitimate question as to whether the ACCV received the full 90 days to make recommendations. Moreover, the paucity of time between the close of the comment period and the posting of the final rule for public

inspection the day before the change in administration, with publication the day after, has raised doubts from the public regarding whether all public comments were sufficiently reviewed, considered, and responded to under Administrative Procedure Act (APA) standards. Given the numerous concerns that have already been raised and the questions that surround the final rule’s promulgation, HHS proposes rescinding the final rule so that, if it chooses to proceed with removing SIRVA, vasovagal syncope, and the new vaccines category (Item XVII) from the Table, it does so with sufficient time to carefully and methodically review the policy, science, and law regarding these items and creates a transparent record of the process that clearly complies with all Vaccine Act and APA requirements.

As a policy matter, HHS also is proposing to rescind the final rule because it is concerned that it could have a negative impact on vaccine administrators, which would be at odds with the federal government’s efforts to increase vaccinations in the United States to respond to the Coronavirus Disease 2019 (COVID–19) pandemic, as well as to make up for observed delays in routine vaccinations that have occurred during the pandemic.

The COVID–19 public health emergency was first declared on January 27, 2020, and continues to impact the nation.¹ On January 21, 2021, the White House published the National Strategy for the COVID–19 Response and Pandemic Preparedness (*see https://www.whitehouse.gov/wp-content/uploads/2021/01/National-Strategy-for-the-COVID-19-Response-and-Pandemic-Preparedness.pdf*) (National Strategy). Goal 2 of the National Strategy is to “Mount a safe, effective, comprehensive vaccination campaign,” and provides:

The United States will spare no effort to ensure Americans can get vaccinated quickly, effectively, and equitably. The federal government will execute an aggressive vaccination strategy, focusing on the immediate actions necessary to convert vaccines into vaccinations, including improving allocation, distribution, administration, and tracking. Central to this effort will be additional support and funding for state, local, Tribal, and territorial governments—and improved line of sight into supply—to ensure that they are best prepared to mount local vaccination programs. At the same time, the federal government will mount an unprecedented public campaign that builds trust around

vaccination and communicates the importance of maintaining public health measures such as masking, physical distancing, testing, and contact tracing even as people receive safe and effective vaccinations.

(*Id.* at 8).

In carrying out the National Strategy, the federal government has taken a number of recent actions. It has increased access to vaccines by creating the Federal Retail Pharmacy Program for COVID–19 Vaccination to provide COVID–19 vaccinations in more locations through various non-federal partners (*see https://www.cdc.gov/vaccines/covid-19/retail-pharmacy-program/index.html*). It is also taking steps to increase the number of vaccine administrators. As President Biden stated to NIH Staff on February 11, 2021, “We’re now allowing retired doctors and nurses to come back and administer shots. We’re deploying federal vaccinators, and over the last three weeks, we put hundreds of new vaccinators in the field and are lining up thousands more. These include medical personnel from our Commissioned Corps at the Department of Health and Human Services, as well as personnel from FEMA, the Defense Department, and more departments to come.” (*see https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/11/remarks-by-president-biden-to-national-institutes-of-health-staff*). Although the COVID–19 vaccine is not part of the VICP, HHS is cognizant of the fact that any action taken that concerns administration of other vaccines could impact the National Strategy’s goals and affect the federal government’s efforts to combat COVID–19. It is partially due to this unprecedented vaccination effort and the concern that the final rule’s revisions to the Table could negatively impact the vaccine administrators carrying out this massive campaign that HHS proposes to rescind the final rule.

HHS received comments in response to the February 12, 2021, NPRM that proposed to delay the effective date of the final rule that raised concerns from the public and interested organizations that the changes to the Table in the final rule would be particularly detrimental to vaccine administrators during the COVID–19 pandemic. For example, the American Pharmacists Association (APhA) and the National Alliance of State Pharmacy Associations (NASPA) supported delaying the final rule, and urged HHS to rescind it. APhA and NASPA stressed that, “During a pandemic is not the time to make changes to the Vaccine Injury Table, when we are working as a nation to

¹ See “Renewal of Determination That A Public Health Emergency Exists,” which was first declared on January 27, 2020 and was last renewed on January 21, 2021, at <https://www.phe.gov/emergency/news/healthactions/phe/Pages/covid19-07jan2021.aspx>.

optimize the manufacture, distribution, and administration of COVID-19 and other critical vaccinations.” (see <https://www.regulations.gov/comment/HRSA-2021-0001-0022>). These organizations further explained they opposed the “removal of SIRVA and syncope from the Table because such a move would put a significant damper on vaccine research and development, the willingness of healthcare providers, including pharmacists, to administer vaccines, as well as the public’s willingness to get vaccinated without the protections provided by the National Vaccine Injury Compensation Program (VICP).” (*Id.*) Furthermore they stated, “Removing [SIRVA and syncope] might discourage providers from vaccinating if they are concerned about being sued in court for these vaccine injuries.” (*Id.*)

The National Association of Chain Drug Stores (NACDS) also supported delaying the final rule, and urged HHS to withdraw it, claiming it contained “policies that will serve to inhibit vaccine availability thus leading to poorer public health outcomes.” (see <https://www.regulations.gov/comment/HRSA-2021-0001-0017>).

Another commenter stated, “The proposed Amendment to the Vaccine Injury Compensation Table is contrary to the purpose of the Act. It exposes doctors, nurses, health care workers and pharmacies to civil tort liability for administering a vaccine, which causes arm or shoulder injuries. The result will be more obstacles to the administration of vaccines as well as ultimately less Americans receiving vaccines

availability thus leading to poorer public health outcomes.” (see <https://www.regulations.gov/comment/HRSA-2021-0001-0004>).

HHS seeks comment by April 16, 2021 on the proposed rescission of the final rule, including on the issues raised above related to the final rule’s promulgation and the impact the final rule could have on vaccine administrators.

III. Regulatory Impact Analysis

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when rulemaking is necessary, to select regulatory approaches that provide the greatest net benefits (including potential economic, environmental, public health, safety, distributive, and equity effects). In addition, under the Regulatory Flexibility Act, if a rule has a significant economic effect on a substantial number of small entities, HHS must specifically consider the economic effect of a rule on small entities and analyze regulatory options that could lessen the impact of the rule.

The Office of Information and Regulatory Affairs has determined that this rule is not a “significant regulatory action” under section 3(f) of Executive Order 12866.

HHS has determined that no resources are required to implement the requirements in this rule because compensation will continue to be made consistent with the status quo. Therefore, in accordance with the Regulatory Flexibility Act of 1980

(RFA), and the Small Business Regulatory Enforcement Act of 1996, which amended the RFA, HHS certifies that this rule will not have a significant impact on a substantial number of small entities.

HHS has also determined that this rule does not meet the criteria for a major rule under the Congressional Review Act or Executive Order 12866 and would have no major effect on the economy or Federal expenditures. Similarly, it will not have effects on State, local, and tribal governments and on the private sector such as to require consultation under the Unfunded Mandates Reform Act of 1995. Nor on the basis of family well-being will the provisions of this rule affect the following family elements: Family safety; family stability; marital commitment; parental rights in the education, nurture and supervision of their children; family functioning; disposable income or poverty; or the behavior and personal responsibility of youth, as determined under section 654(c) of the Treasury and General Government Appropriations Act of 1999.

Paperwork Reduction Act of 1995

This rule has no information collection requirements.

Norris Cochran,

Acting Secretary, Department of Health and Human Services.

[FR Doc. 2021-05486 Filed 3-12-21; 4:15 pm]

BILLING CODE 4165-15-P

Notices

Federal Register

Vol. 86, No. 50

Wednesday, March 17, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

U.S. Codex Office

Codex Alimentarius Commission: Meeting of the Codex Committee on Food Additives

AGENCY: U.S. Codex Office, USDA.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The U.S. Codex Office is sponsoring a public meeting on May 11, 2021. The objective of the public meeting is to provide information and receive public comments on agenda items and draft United States (U.S.) positions to be discussed at the 52nd Session of the Codex Committee on Food Additives (CCFA) of the Codex Alimentarius Commission. The U.S. Manager for Codex Alimentarius and the Acting Under Secretary for Trade and Foreign Agricultural Affairs recognize the importance of providing interested parties the opportunity to obtain background information on the 52nd Session of the CCFA and to address items on the agenda.

DATES: The public meeting is scheduled for May 11, 2021, from 9:00 a.m. to 12:00 p.m. EDT.

ADDRESSES: The public meeting will take place virtually. Documents related to the 52nd Session of the CCFA will be accessible via the internet at the following address: <http://www.fao.org/fao-who-codexalimentarius/meetings/en/>. Dr. Paul Honigfort, U.S. Delegate to the 52nd Session of the CCFA, invites U.S. interested parties to submit their comments electronically to the following email address: ccfa@cfsan.fda.gov.

Call-In-Number: If you wish to participate in the public meeting for the 52nd Session of the CCFA by conference call, please join the Zoomgov Meeting at <https://fda.zoomgov.com/j/1617528805>; or Dial-in US Toll-free at (833)568-8864; Meeting ID: 161 752 8805.

Registration: Attendees may register to attend the meeting by emailing Dr. LaShonda Cureton at ccfa@cfsan.fda.gov by May 10, 2021. Early registration is encouraged.

FOR FURTHER INFORMATION CONTACT:

For Further Information about the 52nd Session of the CCFA and the Public Meeting, contact U.S. Delegate, Dr. Paul Honigfort by phone at: +1 (240) 402-1206 or by email at Paul.Honigfort@fda.hhs.gov, or Alternate U.S. Delegate, Dr. Daniel Folmer by phone +1 (240) 402-1274 or email Daniel.Folmer@fda.hhs.gov.

For Further Information about the public meeting Contact: Dr. LaShonda Cureton by phone at +1 (240)402-1351 or by email at Lashonda.Cureton@fda.hhs.gov.

SUPPLEMENTARY INFORMATION:

Background

Codex was established in 1963 by two United Nations organizations, the Food and Agriculture Organization and the World Health Organization. Through adoption of food standards, codes of practice, and other guidelines developed by its committees, and by promoting their adoption and implementation by governments, Codex seeks to protect the health of consumers and ensure fair practices in the food trade.

The Terms of Reference of the Codex Committee on Food Additives are:

(a) To establish or endorse permitted maximum levels for individual food additives;

(b) to prepare priority lists of food additives for risk assessment by the Joint FAO/WHO Expert Committee on Food Additives;

(c) to assign functional classes to individual food additives;

(d) to recommend specifications of identity and purity for food additives for adoption by the Commission;

(e) to consider methods of analysis for the determination of additives in food; and

(f) to consider and elaborate standards or codes for related subjects such as the labelling of food additives when sold as such.

The CCFA is hosted by China. The United States attends the CCFA as a member country of Codex.

Issues To Be Discussed at the Public Meeting

The following items on the Agenda for the 52nd Session of the CCFA will be discussed during the public meeting:

- Matters Referred by the Codex Alimentarius Commission and other subsidiary bodies
- Matters of Interest arising from FAO/WHO and from the 87th Meeting of the Joint FAO/WHO Expert Committee on Food Additives (JECFA)
- Proposed draft specifications for identity and purity of food additives arising from the 87th JECFA meeting
 - Comments at Step 3
- Endorsement and/or revision of maximum levels for food additives and processing aids in Codex standards
- Alignment of the food additive provisions of commodity standards:
 - Report of the Electronic Working Group (EWG) on Alignment
- General Standard for Food Additives (GSFA): Report of the EWG on the GSFA
- General Standard for Food Additives: Proposals for new and/or revision of food additive provisions (replies to Circular Letter (CL) 2019/40-FA)
- Continuation of the discussion on the relevant provisions for sweeteners associated with Note 161
- General information on the availability of data related to nitrates and nitrites (replies to CL 2019/49-FA)
- Proposed draft revision to the International Numbering System (INS) for Food Additives (CAC/GL 36-1989)
 - Comments at Step 3
- Proposals for additions and changes to the Priority List of Substances proposed for evaluation by JECFA (replies to CL 2019/41-FA)
- Status and analysis of the GSFA online system in relation to the approach of not listing relevant commodity standards
- Other Business and Future Work

Public Meeting

At the May 11, 2021, public meeting, draft U.S. positions on the agenda items will be described and discussed, and attendees will have the opportunity to pose questions and offer comments. Written comments may be offered at the meeting or sent to Dr. Paul Honigfort, U.S. Delegate for the 52nd Session of the

CCFA (see **ADDRESSES**). Written comments should state that they relate to activities of the 52nd Session of the CCFA.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, the U.S. Codex Office will announce this **Federal Register** publication on-line through the USDA web page located at: <http://www.usda.gov/codex>, a link that also offers an email subscription service providing access to information related to Codex. Customers can add or delete their subscription themselves and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at https://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf, or write a letter signed by you or your authorized representative. Send your completed complaint form or letter to USDA by mail, fax, or email.

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250-9410.

Fax: (202) 690-7442, Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotope, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done at Washington, DC, on March 10, 2021.

Mary Lowe,

U.S. Manager for Codex Alimentarius.

[FR Doc. 2021-05439 Filed 3-16-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Black Hills Resource Advisory Committee (RAC) will conduct a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: <https://www.fs.usda.gov/detail/blackhills/workingtogether/advisorycommittees/?cid=STELPRD3807565>.

DATES: The meeting will be held on April 15, 2021 at 5:00 p.m., Mountain Standard Time. If business is not concluded another meeting will be held on April 22, 2021 at 5:00 p.m., Mountain Standard Time.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually along with a conference call line. Detailed instructions on how to attend the meeting virtually will be sent out via email along with a news release approximately one week prior to the meeting. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Mystic Ranger District Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Kelly Warnke, Committee Coordinator, by phone at 605-716-1978 or by email at kelly.warnke@usda.gov.

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and

recommend projects for funding under the Secure Rural School allocations to Custer, Lawrence, and Pennington Counties for fiscal year 2020.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to provide comments to this meeting's agenda and to the meeting minutes/records must submit comments in writing by Friday April 8th, 2021. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting.

Written comments must be sent to Kelly Warnke, Mystic Ranger District, 8221 Mount Rushmore Road, Rapid City, South Dakota 57702; by email to kelly.warnke@usda.gov, or via facsimile to 605-343-7134.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: March 12, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021-05521 Filed 3-16-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Missoula Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Missoula Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Lolo National Forest within Missoula County,

consistent with the Federal Lands Recreation Enhancement Act. RAC information and virtual meeting information can be found at the following website: https://www.fs.usda.gov/detail/lolo/workingtogether/advisorycommittees/?cid=fsm9_021467.

DATES: The meeting will be held on April 29, 2021 at 1:00 p.m., Mountain Standard Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually via telephone and/or video conference.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT: Quinn Carver, Designated Federal Officer (DFO), by phone at 406-677-3905 or email at charles.carver@usda.gov or Kate Jerman at 406-552-7944 or email at katelyn.jerman@usda.gov.

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Hear from Title II project proponents and discuss project proposals;
2. Make funding recommendations on Title II projects;
3. Approve meeting minutes; and
4. Schedule the next meeting.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by April 21, 2021, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting.

Written comments and requests for time for oral comments must be sent to Kate Jerman, 24 Fort Missoula Road, Missoula, MT 59801; or by email to katelyn.jerman@usda.gov.

Meeting Accommodations: If you are a person requiring reasonable

accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Cikena Reid,

USDA Committee Management.

[FR Doc. 2021-05522 Filed 3-16-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Missoula Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Missoula Resource Advisory Committee (RAC) will hold a virtual meeting by phone and/or video conference. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act as well as make recommendations on recreation fee proposals for sites on the Lolo National Forest within Missoula County, consistent with the Federal Lands Recreation Enhancement Act. RAC information and virtual meeting information can be found at the following website: https://www.fs.usda.gov/detail/lolo/workingtogether/advisorycommittees/?cid=fsm9_021467.

DATES: The meeting will be held on April 8, 2021 at 2:00 p.m., Mountain Daylight Time.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually via telephone and/or video conference.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and

copying. The public may inspect comments received upon request.

FOR FURTHER INFORMATION CONTACT:

Quinn Carver, Designated Federal Officer (DFO), by phone at 406-677-3905 or email at quinn.carver@usda.gov or Kate Jerman at 406-552-7944 or email at katelyn.jerman@usda.gov.

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss Title II project proposals review and decision process;
2. Approve meeting minutes; and
3. Schedule the next meeting.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by April 1, 2021 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Kate Jerman, 24 Fort Missoula Road, Missoula, MT 59801; or by email to katelyn.jerman@usda.gov.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: March 12, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021-05519 Filed 3-16-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

North Central Idaho Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Virtual meeting.

SUMMARY: The North Central Idaho Resource Advisory Committee (RAC) will conduct virtual attendance only

meetings. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: <https://www.fs.usda.gov/main/nezperceclearwater/workingtogether/advisorycommittees>.

DATES: The virtual attendance only meetings will be held on Monday, April 19, 2021 from 1–5 p.m., Friday, April 23, 2021 from 1–5 p.m. and Monday, April 26, 2021 from 2–5 p.m., Mountain Standard Time.

All RAC meetings are subject to cancellation. For status of the meetings prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held virtually via telephone and/or video conference.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Nez Perce-Clearwater National Forest, Grangeville office. Please call ahead at 208–983–8917 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lisa Canaday, RAC Coordinator, by phone at 208–983–8917 or via email at lisa.canaday@usda.gov.

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meetings are to:

1. Present project proposals; and
2. Discuss, recommend, and approve new Title II projects;

The meetings will be virtual-only meetings. The agendas will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement at any of the meetings should request in writing by Friday, April 9, 2021, to be scheduled on the agenda for that particular meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee

staff before or after the meetings. Written comments and requests for time for oral comments must be sent to Lisa Canaday, RAC Coordinator, 104 Airport Road, Grangeville, Idaho 83530; by email to lisa.canaday@usda.gov, or via facsimile to 208–983–4098.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: March 12, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021–05517 Filed 3–16–21; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

El Dorado County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The El Dorado County Resource Advisory Committee (RAC) will hold a series of virtual meetings. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following website: <https://www.fs.usda.gov/main/eldorado/workingtogether/advisorycommittees>.

DATES: The meetings will be held on the following dates:

- Wednesday, April 7, 2021, 4:00–6:00 p.m., Pacific Daylight Time
- Tuesday, April 27, 2021, 3:00–6:00 p.m., Pacific Daylight Time
- Wednesday, April 28, 2021, 3:00–6:00 p.m., Pacific Daylight Time

All RAC meetings are subject to cancellation. For status of a meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held virtually only. For virtual meeting information, please contact the person

listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at: Eldorado National Forest Supervisor's Office, 100 Forni Road, Placerville, California. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT:

Kristi Schroeder, Public Affairs Specialist by phone at (530) 305–6864 or via email at kristi.schroeder@usda.gov.

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meetings are to review FACA regulations, update committee governing documents, review past practices, determine a new process for project proposals, and solicit project proposals.

The meetings are open to the public. The agendas will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement at any of the meetings should request in writing to be scheduled on the agenda for that particular meeting seven days before the meeting. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meetings. Written comments and requests for time to make oral comments must be sent to Kristi Schroeder, Eldorado National Forest, 100 Forni Road, Placerville, California 95667; by email to kristi.schroeder@usda.gov, or via facsimile to 530–621–5297.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: March 12, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021-05518 Filed 3-16-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Lincoln Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Lincoln Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act. RAC information can be found at the following website: <https://www.fs.usda.gov/pts>.

DATES: The meeting will be held on Wednesday, May 5, 2021, at 1:00 p.m., Mountain Daylight Time. At this time the meeting will be held virtually. A virtual link will be provided for the public. All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually only, and a link will be provided for the public. Written comments may be submitted to RAC Coordinator, Larona Rebo, Kootenai National Forest Supervisor's Office, 31374 U.S. Hwy. 2, Libby, Montana 59923.

FOR FURTHER INFORMATION CONTACT: Larona Rebo, RAC Coordinator, by phone at 406-283-7764 or via email at larona.rebo@usda.gov.

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss, prioritize, and approve RAC project proposals; and
2. Receive public comment.

The virtual meeting is open to the public. The agenda will include time for

people to make oral statements, subject to time requirements by the RAC facilitator. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case-by-case basis.

Dated: March 12, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021-05528 Filed 3-16-21; 8:45 am]

BILLING CODE 3411-15-P

DEPARTMENT OF AGRICULTURE

Forest Service

Ketchikan Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ketchikan Resource Advisory Committee (RAC) will hold a virtual meeting. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with Title II of the Act.

DATES: The meeting will be held on April 15, 2021, at 6:00 p.m., Alaska Daylight Time.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held virtually only. A conference line is set up for those who would like to listen in by telephone. For the conference call number, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including

names and addresses when provided, are placed in the record and are available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT:

Penny L. Richardson, RAC Coordinator, by phone at 907-228-4105 (office) or 907-419-5300 (cell), or via email at penny.richardson@usda.gov.

Individuals who use telecommunication devices for the hearing-impaired (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern Daylight Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Update members on past RAC projects; and
2. Propose new RAC projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by April 13, 2021, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Penny L. Richardson, RAC Coordinator, Ketchikan Misty Fjords Ranger District, 3031 Tongass Avenue, Ketchikan, Alaska 99901; by email to penny.richardson@usda.gov, or via facsimile to 907-225-8738.

Dated: March 12, 2021.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2021-05531 Filed 3-16-21; 8:45 am]

BILLING CODE 3411-15-P

CIVIL RIGHTS COMMISSION

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission public business meeting.

DATES: Friday, March 19, 2021, 12:00 p.m. EST.

ADDRESSES: Meeting to take place by telephone and is open to the public by telephone: 1-866-556-2429, Conference ID #6761392. Computer assisted real-time transcription (CART) will be provided. The web link to access CART (in English) on Friday, March 19th, 2021, is <https://www.streamtext.net/player?event=USCCR>. Please note that

CART is text-only translation that occurs in real time during the meeting and is not an exact transcript.

FOR FURTHER INFORMATION CONTACT:

Angelia Rorison: 202-376-7700;
publicaffairs@usccr.gov.

SUPPLEMENTARY INFORMATION:

Meeting Agenda

- I. Motion To Approve Commissioner Norma Cantú To Serve as USCCR Chair
- II. Approval of Agenda
- III. Business Meeting
 - A. Discussion and Vote on Statement of Walter E. Williams
 - B. Discussion and Vote To Continue the Policy of Rebuttals and Surrebuttals
 - C. Discussion and Vote To Suspend Speaker Series
 - D. Discussion and Agreement To Appoint Bipartisan Commissioners to EAC
 - E. Discussion and Vote on FEMA Report Discovery Plan
 - F. Management and Operations
 - Staff Director's Report
- IV. Adjourn Meeting

Dated: March 11, 2021.

Angelia Rorison,

USCCR Media and Communications Director.

[FR Doc. 2021-05404 Filed 3-15-21; 11:15 am]

BILLING CODE 6335-01-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of web hearing.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Nevada Advisory Committee (Committee) to the Commission will hold a web hearing from 12:00 p.m. to 2:30 p.m. (PT) on Wednesday, May 5, 2021. The purpose of the Nevada Advisory Committee meeting is to hear testimony examining equity in education through distance learning during the COVID-19 pandemic, especially among students in K-16 schools with disabilities and students of color. This is the fourth in a series of web hearings focused on this topic. Meeting materials and presentations will be available before and after the event at <http://bit.ly/NVSAC2021>.

DATES: Wednesday, May 5, 2021 from 12:00 p.m. to 2:30 p.m. (PT).

Public Call-In Information (audio only): Dial: (800) 360-9505; Access code: 199 228 2911.

Web Access Information (visual only): The online portion of the meeting may be accessed through the following link Webex: <https://bit.ly/NVSAC5521>.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at afortes@usccr.gov or by phone at (202) 681-0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800-360-9505; Access code: 199 228 2911. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at afortes@usccr.gov.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlJAAQ>.

Please click on the "Committee Meetings" tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

- Opening Remarks (12:00-12:15 p.m.)
Speaker Presentations (12:15-1:15 p.m.)
- Athar Haseebullah, Executive Director, ACLU Nevada

- Dr. Donald Easton-Brooks, Dean of Education, University of Nevada Reno
- Melissa Almanza, Autism Services Advocate, Autism & Behavioral Consulting Services LLC
- Lynn Manning-John, Vice Principal, Owyhee Combined School (Shoshone-Paiute Tribe of Duck Valley) co-presenting with Lance Wester, Principal, Schurz Elementary Middle School (Northern Paiute)

Q & A (1:15-2:10 p.m.)

Public Comment (2:10-2:25 p.m.)

Closing Remarks (2:25-2:30 p.m.)

Dated: March 11, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021-05472 Filed 3-16-21; 8:45 am]

BILLING CODE P

CIVIL RIGHTS COMMISSION

Agenda and Notice of Public Meeting of the South Dakota Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that the South Dakota State Advisory Committee to the Commission will convene a meeting on April 21, 2021 at 3 p.m. (CT). The purpose of the meeting is to review the Committee's Findings and Recommendations on maternal health disparities for Native American women in South Dakota.

DATES: Wednesday, April 21, 2021 at 3 p.m. (CT).

Public Web Conference Registration Link (video and audio): <https://bit.ly/3eoX6To>; password, if needed: USCCR.

If Joining by Phone Only, Dial: 1-800-360-9505; access code: 199 390 2377.

FOR FURTHER INFORMATION CONTACT:

Mallory Trachtenberg at mtrachtenberg@usccr.gov or by phone at (202) 809-9618.

SUPPLEMENTARY INFORMATION: The meeting is available to the public through the web link above. If joining only via phone, callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Individuals who are deaf, deafblind and hard of hearing may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and

providing the Service with conference details found through registering at the web link above. To request other accommodations, please email mtrachtenberg@usccr.gov at least 7 days prior to the meeting for which accommodations are requested.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Mallory Trachtenberg at mtrachtenberg@usccr.gov. Persons who desire additional information may contact the Regional Programs Unit at (202) 809-9618. Records and documents discussed during the meeting will be available for public viewing as they become available at www.facadatabase.gov. Persons interested in the work of this advisory committee are advised to go to the Commission's website, www.usccr.gov, or to contact the Regional Programs Unit at the above phone number or email address.

Agenda

Wednesday, April 21, 2021 from 3 p.m. (ET)

- I. Welcome and Roll Call
- II. Announcements and Updates
- III. Approval of Minutes
- IV. Review the SAC's Findings and Recommendations on Maternal Health Disparities for Native American Women in South Dakota
- V. Public Comment
- VI. Next Steps
- VII. Adjournment

Dated: March 11, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021-05467 Filed 3-16-21; 8:45 am]

BILLING CODE P

CIVIL RIGHTS COMMISSION

Notice of Public Meeting of the Nevada Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of web hearing.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Nevada Advisory Committee (Committee) to the Commission will hold a web hearing

from 12 p.m. to 2:30 p.m. (PT) on Wednesday, April 21, 2021. The purpose of the Nevada Advisory Committee meeting is to hear testimony examining equity in education through distance learning during the COVID-19 pandemic, especially among students in K-16 schools with disabilities and students of color. This the third in a series of web hearings focused on this topic. Meeting materials and presentations will be available before and after the event at <http://bit.ly/NVSAC2021>.

DATES: Wednesday, April 21, 2021 from 12 p.m. to 2:30 p.m. (PT).

Public Call-In Information (audio only): Dial: (800) 360-9505; Access code: 199 768 8396.

Web Access Information (visual only): The online portion of the meeting may be accessed through the following link Webex: <https://bit.ly/NVSAC42121>.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at afortes@usccr.gov or by phone at (202) 681-0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800-360-9505; Access code: 199 768 8396. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at afortes@usccr.gov.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlJAAQ>.

Please click on the "Committee Meetings" tab. Records generated from

these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

Opening Remarks (12-12:15 p.m.)

Speaker Presentations (12:15-1:15 p.m.)

- Brian Zeiszler, Professor, Great Basin College
- Silvina Jover, Social Studies Teacher, Desert Pines High School
- Sean Parker, Director, Teach for America Las Vegas

Q & A (1:15-2:10 p.m.)

Public Comment (2:10-2:25 p.m.)

Closing Remarks (2:25-2:30 p.m.)

Dated: March 11, 2021.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2021-05475 Filed 3-16-21; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Nevada Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of Webhearing.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that the Nevada Advisory Committee (Committee) to the Commission will hold a web hearing from 12:00 p.m. to 2:30 p.m. (PT) on Wednesday, May 19, 2021. The purpose of the Nevada Advisory Committee meeting is to hear testimony examining equity in education through distance learning during the COVID-19 pandemic, especially among students in K-16 schools with disabilities and students of color. This the fifth and final in a series of web hearings focused on this topic. Meeting materials and presentations will be available before and after the event at <http://bit.ly/NVSAC2021>.

DATES: Wednesday, May 19, 2021 from 12:00 p.m. to 2:30 p.m. (PT).

Public Call-In Information (audio only): Dial: (800) 360-9505; Access code: 199 070 2234.

Web Access Information (visual only): The online portion of the meeting may

be accessed through the following link Webex: <https://bit.ly/NVSAC51921>.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes, Designated Federal Officer (DFO) at afortes@usccr.gov or by phone at (202) 681-0857.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 800-360-9505; Access code: 199 070 2234. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012 or email Ana Victoria Fortes at afortes@usccr.gov.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://www.facadatabase.gov/FACA/FACAPublicViewCommitteeDetails?id=a10t0000001gzlJAAQ>.

Please click on the "Committee Meetings" tab. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

Agenda

Opening Remarks (12:00–12:15 p.m.)
Speaker Presentations (12:15–1:15 p.m.)

- Erin Phillips, President, Power2Parent
- Representative, Nevada COVID-19 Response, Relief and Recovery Taskforce
- Rebecca Garcia, President, Nevada Parent Teacher Association

Q & A (1:15–2:10 p.m.)
Public Comment (2:10–2:25 p.m.)
Closing Remarks (2:25–2:30 p.m.)

Dated: March 11, 2021.

David Mussatt,
Supervisory Chief, Regional Programs Unit.
[FR Doc. 2021-05471 Filed 3-16-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-20-2021]

Foreign-Trade Zone (FTZ) 177— Evansville, Indiana; Notification of Proposed Production Activity; AstraZeneca Pharmaceuticals LP (Pharmaceutical Products); Mount Vernon, Indiana

AstraZeneca Pharmaceuticals LP (AstraZeneca) submitted a notification of proposed production activity to the FTZ Board for its facility in Mount Vernon, Indiana. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 9, 2021.

AstraZeneca already has authority to produce certain pharmaceuticals products within Subzone 177A. The current request would add finished products and foreign status materials to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt AstraZeneca from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, AstraZeneca would be able to choose the duty rates during customs entry procedures that apply to: CALQUENCE (acalabrutinib) capsules; DAKLINZA (daclatasvir) tablets; FARXIGA\FORXIGA (dapagliflozin) tablets; KOMBIGLYZE IR (metformin hydrochloride and saxagliptin hydrochloride) tablets; KOMBIGLYZE XR (metformin hydrochloride and saxagliptin hydrochloride) tablets; METFORMIN IR (metformin hydrochloride) tablets; ONGLYZA (saxagliptin hydrochloride) tablets; QTERN (dapagliflozin and saxagliptin hydrochloride) tablets; QTERNMET XR (dapagliflozin, metformin hydrochloride and

saxagliptin hydrochloride) tablets; TAGRISSO (osimertinib mesylate) tablets; XIGDUO IR (dapagliflozin and metformin hydrochloride) tablets; and, XIGDUO XR (dapagliflozin and metformin hydrochloride) tablets (duty-free). AstraZeneca would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials sourced from abroad include: Metformin hydrochloride active pharmaceutical ingredient (API); dapagliflozin API; daclatasvir API; osimertinib mesylate API; acalabrutinib API; and, saxagliptin hydrochloride API (duty rate ranges from 3.7% to 6.5%). The request indicates that certain materials are subject to duties under Section 301 of the Trade Act of 1974 (Section 301), depending on the country of origin. The applicable Section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is April 26, 2021.

A copy of the notification will be available for public inspection in the "Reading Room" section of the Board's website, which is accessible via www.trade.gov/ftz.

For further information, contact Christopher Wedderburn at Chris.Wedderburn@trade.gov.

Dated: March 11, 2021.

Andrew McGilvray,
Executive Secretary.

[FR Doc. 2021-05478 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[C-351-846]

Certain Hot-Rolled Steel Flat Products From Brazil: Rescission of the 2019 Countervailing Duty Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on certain hot-rolled steel flat products (hot-rolled steel) from Brazil for the

period of review (POR) January 1, 2019, through December 31, 2019.

DATES: Applicable March 17, 2021.

FOR FURTHER INFORMATION CONTACT: Ajay Menon, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-1993.

Background

On October 1, 2020, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the CVD order on hot-rolled steel from Brazil for the POR.¹ On October 30, 2020, Commerce received a timely request from AK Steel Corporation, Nucor Corporation, United States Steel Corporation, Steel Dynamics, Inc., and SSAB Enterprises, LLC (collectively, domestic interested parties), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), to conduct an administrative review of this CVD order for 12 companies.²

On December 8, 2020, Commerce published in the **Federal Register** a notice of initiation with respect to these companies.³ On February 2, 2021, the domestic interested parties timely withdrew their request for an administrative review for all 12 companies.⁴

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of notice of initiation of the requested review. As noted above, the domestic interested parties withdrew their request for review by the 90-day deadline, and no other party requested an administrative review of this order. Therefore, we are rescinding the administrative review of the CVD order on certain hot-rolled steel flat products from Brazil covering the

period January 1, 2019, through December 31, 2019, in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. Because Commerce is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed at rates equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP no earlier than 35 days after the date of publication of this notice in the **Federal Register**.

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: March 11, 2021.

James Maeder,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2021-05477 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA199]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Army Corps of Engineers Port San Luis Breakwater Repair Project, Avila Beach, California

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; proposed incidental harassment authorization; request for comments on proposed authorization and possible renewal.

SUMMARY: NMFS has received a request from the Army Corps of Engineers (ACOE) for authorization to take marine mammals incidental to the Port San Luis Breakwater Repair Project in Avila Beach, California. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS is also requesting comments on a possible one-year renewal that could be issued under certain circumstances and if all requirements are met, as described in Request for Public Comments at the end of this notice. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

DATES: Comments and information must be received no later than April 16, 2021.

ADDRESSES: Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Electronic comments should be sent to ITP.Meadows@noaa.gov.

Instructions: NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Dwayne Meadows, Ph.D., Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://>

¹ See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 85 FR 61926 (October 1, 2020).

² See Letter from Petitioners, "Hot-Rolled Steel Flat Products from Brazil: Request for Administrative Review of Countervailing Duty Order," dated October 30, 2020.

³ See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 78990 (December 8, 2020).

⁴ See Letter from Petitioners, "Hot-Rolled Steel Flat Products from Brazil: Withdrawal of Request for Administrative Review of Countervailing Duty Order," dated February 2, 2021.

www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act. In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth.

The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an incidental harassment authorization)

with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

Summary of Request

On March 13, 2020, NMFS received an application from the ACOE requesting an IHA to take small numbers of three species of pinnipeds incidental to resetting and replacing stone and dredging associated with the San Luis Breakwater Repair Project. ACOE subsequently notified us that funding, workload and other issues led them to delay the project 1 year. A revised application was sent on February 18, 2021 and the application process was reinitiated. The application was deemed adequate and complete on March 1, 2021. ACOE’s request is for take of a small number of three species of marine mammals by Level B harassment. Neither the ACOE nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

The project consists of the repair of a deteriorating breakwater at Port San Luis, California. The proposed project is required to protect Port San Luis Harbor and maintain safe navigability within the port. Repair work includes minor excavation of shoaled sediment (~15,000 cubic yards (11,470 cubic meters))

adjacent to the leeward side of the breakwater to create adequate depths for barges and support boats to access the breakwater for the repair.

Approximately 29,000 tons (26,310 metric tons) of existing stone would need to be reset and 60,000 tons (54,430 metric tons) of new stone (stones range from 5 to 20 tons (4.5–18.1 metric tons) each) would be placed to restore the most heavily damaged portion of the breakwater. The project is expected to take no more than 174 work days over 7 months. The sounds and visual disturbance from the work can result in take of marine mammals through behavioral harassment and/or auditory injury.

Dates and Duration

The IHA will be valid April 1, 2022 through March 31, 2023. Due to the location of the breakwater, the work would be fully or partially exposed to open ocean wave conditions. Adverse wave and inclement winter weather conditions at the breakwater generally preclude safe working conditions during the months of November to March. Therefore, the analysis emphasizes conditions during the likely work window but considers that work could possibly occur anytime during the year in case work is not completed and decent weather days occur in late fall and winter.

Specific Geographic Region

The project site is located on the central California Coast, approximately midway between Los Angeles and San Francisco, in San Luis Obispo County (Figure 1). An offshore rock formation on the seaward side of the breakwater’s southern end absorbs direct wave energy and reduces the intensity of waves reaching the breakwater. This allows for manageable pinniped haulout locations on both the seaward and leeward sides of the breakwater in proximity to this rock. A small island called Smith Island is approximately 400 meters (m) (1312 feet) to the northwest of the breakwater and also attracts pinnipeds. Smith Island is also near some eelgrass remediation that is part of the project.

BILLING CODE 3510–22–P

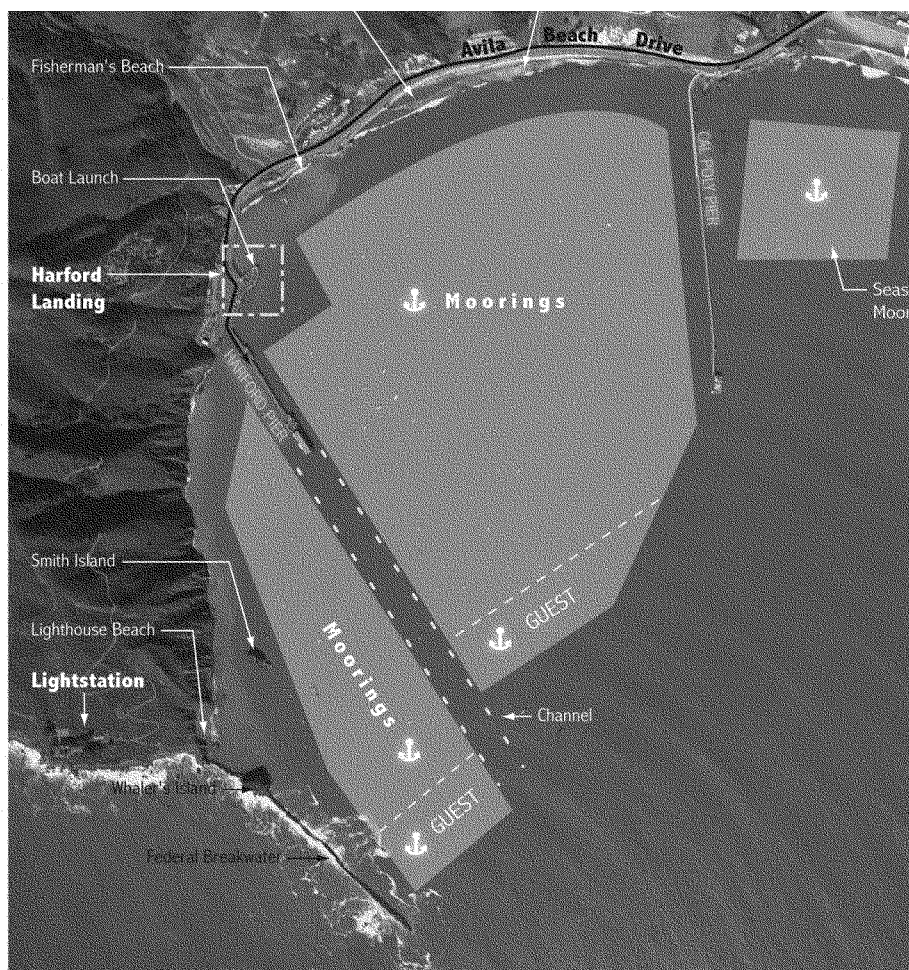


Figure 1 -- Map of Proposed Project Area*

* Breakwater is in the lower left and moorings created by the breakwater stretch to the north and east. Smith Island and other key locations labelled.

BILLING CODE 3510-22-C

Detailed Description of Specific Activity

Port San Luis breakwater is approximately 2,400 feet (730 m) long and 20 feet (6 m) wide. Repair work would focus on the most heavily damaged 1,420 feet (430 m) at the seaward end of the breakwater. The footprint of the breakwater would not be changed, but the crest elevation would be raised 3 feet (1 m) from +13 feet Mean Lower Low Water (MLLW) to +16 feet MLLW for hydraulic stability, to accommodate larger armor stone, to meet design criteria, and to account for sea level rise. Repair work could potentially extend to the sea bed to ensure a stable slope and structural stability is maintained. Repair work construction activities would be limited to daylight hours (approximately 11 hours a day), 6 days a week.

The sediment removal is the first phase of the project and would require one to 3 weeks. The excavated material would be side cast to an adjacent area

from where it was removed. The sediment excavation requires a crane-equipped barge, possibly a scow, up to two tugboats, and two small craft support vessels. The crane on the barge will be outfitted with a clamshell bucket which will be lowered by the crane operator to the sea floor to excavate sediment. The crane will pivot around and place material in an adjacent area or into a scow for placement at a designated placement site within the vicinity.

The major phase of the breakwater repair requires a crane-equipped barge, up to two barges carrying rock to be added to the breakwater, up to three tugboats, and three small craft support vessels. The work will consist of resetting of existing stone and placement of new stone on the breakwater structure. Dropping of armor stone is not permitted, but it should be expected that some stones may be accidentally dropped during placement. Stones would be carefully placed and

interlocked with existing stones to maximize stability and minimize the intensity of sound due to stone placement. The crane on the barge will be outfitted with lifting tongs to reset existing stone and retrieve stones from the rock storage barge, and then place those stones on damaged sections of the jetties. A boat operator in a skiff, and a spotter on the jetty, would direct the operation of the crane in order to pick and place the stones. The picked stone must be able to match the dimensions of the voids along the jetty. Approximately 30 to 35 stones can be picked and placed per day.

The small tugs help position the barge and other support vessels ferry equipment and crew back and forth from the shore, jetties, staging areas, and the crane and rock storage barges. Rock storage barges are typically towed in from an offsite quarry location (likely Pebbly Beach Quarry on Santa Catalina Island), and then anchored next to the crane-equipped barge. The rock storage

barges are expected to carry approximately 1,500 tons (1,360 metric tons) of stone per trip. Additional rock storage barges will be stored within a designated area within Port San Luis Harbor until they are needed. Approximately 40 rock storage barges/loads will be needed for this project.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see Proposed Mitigation and Proposed Monitoring and Reporting).

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock

Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS's website (<https://www.fisheries.noaa.gov/find-species>).

Table 1 lists all species or stocks for which take is expected and proposed to be authorized for this action, and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2019). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach

or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. Pacific SARs and draft SARs (e.g., Carretta *et al.* 2019, 2020).

TABLE 1—SPECIES THAT SPATIALLY CO-OCCUR WITH THE ACTIVITY TO THE DEGREE THAT TAKE IS REASONABLY LIKELY TO OCCUR

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ¹	Stock abundance (CV, N _{min} , most recent abundance survey) ²	PBR	Annual M/SI ³
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California Sea Lion	<i>Zalophus californianus</i>	United States	-, -, N	257,606 (N/A, 233,515, 2014)	14,011	>321
Steller Sea Lion	<i>Eumetopias jubatus</i>	Eastern DPS	-, -, N	43,210 (N/A, 43,201, 2017)	2,592	113
Family Phocidae (earless seals):						
Harbor seal	<i>Phoca vitulina</i>	California	-, -, N	30,968 (N/A, 27,348, 2012)	1,641	43

¹ Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds Potential Biological Removal (PBR) or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

² NMFS marine mammal stock assessment reports online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

³ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual mortality/serious injury (M/SI) often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

As indicated above, all three species (with three managed stocks) in Table 1 temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have proposed authorizing it. All species that could potentially occur in the proposed survey areas are discussed in the IHA application. While gray whales, humpback whales, blue whales, killer whales, bottlenose and common dolphins, harbor porpoise, fur seal, and northern elephant seals have been sighted in the area, the temporal and/or spatial occurrence of these species is such that take is not expected to occur, and they are not discussed further beyond the explanation provided here. None of the cetacean species would occur close enough to the breakwater to be exposed to the limited sound from

the project, and as cetaceans they do not haul out where they would be exposed to the visual or in-air disturbance of the project. Surveys over multiple years (see below) have not recorded fur seals or northern elephant seals in the vicinity of the project so take is not requested for these species and they are not discussed further.

California Sea Lion

California sea lions occur from Vancouver Island, British Columbia, to the southern tip of Baja California. They breed on the offshore islands of southern and central California from May through July (Heath and Perrin 2008). During the non-breeding season, adult and subadult males and juveniles migrate northward along the coast to central and northern California, Oregon, Washington, and Vancouver Island

(Jefferson *et al.* 1993). They return south the following spring (Heath and Perrin 2008, Lowry and Forney 2005). Females and some juveniles tend to remain closer to rookeries (Antonelis *et al.* 1990, Melin *et al.* 2008).

Pupping occurs primarily on the California Channel Islands from late May until the end of June (Peterson and Bartholomew 1967). Weaning and mating occur in late spring and summer during the peak upwelling period (Bograd *et al.*, 2009). After the mating season, adult males migrate northward to feeding areas as far away as the Gulf of Alaska (Lowry *et al.*, 1992), and they remain away until spring (March–May), when they migrate back to the breeding colonies. Adult females generally remain south of Monterey Bay, California throughout the year, feeding

in coastal waters in the summer and offshore waters in the winter, alternating between foraging and nursing their pups on shore until the next pupping/breeding season (Melin and DeLong 2000; Melin *et al.* 2008). Increasing sea-surface temperatures in the California Current negatively impact prey species availability and reduce survival rates (DeLong *et al.* 2017, Laake *et al.* 2018, Lowry *et al.* 1991, Melin *et al.* 2008, 2010).

California sea lions are common in Port San Luis year round where they are often hauled out on buoys, work docks, and the breakwater structure. The general distribution along the breakwater is influenced by direct wave energy against exposed breakwater segments. Generally the breakwater is utilized beginning in April extending through December, with greater densities observed hauled out at the south eastern end of the breakwater. In addition, greater densities were observed on the leeward side as opposed to the seaward side, except on the southeastern seaward side where some rocks provide protection depending on the prevailing current and wind.

Harbor Seal

Harbor seals are found from Baja California to the eastern Aleutian Islands of Alaska (Harvey and Goley 2011). In California there are approximately 500 haulout sites along the mainland and on offshore islands, including intertidal sandbars, rocky shores, and beaches (Hanan 1996, Lowry *et al.* 2008). Harbor seals are central-place foragers (Orians and Pearson 1979) and tend to exhibit strong site fidelity within season and across years, generally forage close to haulout sites, and repeatedly visit specific foraging areas (Grigg *et al.* 2012, Suryan and Harvey 1998, Thompson *et al.* 1998).

Harbor seals molt from May through June. Peak numbers of harbor seals haul out in central California during late May to early June, which coincides with the peak molt. During both pupping and molting seasons, the number of seals and the length of time hauled out per day increase, from an average of 7 hours per day to 10–12 hours (Harvey and Goley 2011, Huber *et al.* 2001, Stewart and Yochem 1994).

Harbor seals tend to forage at night and haul out during the day with a peak in the afternoon between 1 p.m. and 4 p.m. (Grigg *et al.* 2012, London *et al.* 2001, Stewart and Yochem 1994, Yochem *et al.* 1987). Tide levels affect the maximum number of seals hauled out, with the largest number of seals hauled out at low tide, but time of day and season have the greatest influence on haul-out behavior (Manugian *et al.* 2017, Patterson and Acevedo-Gutiérrez 2008, Stewart and Yochem 1994).

Harbor seals have not been observed hauling out on the Port San Luis breakwater or work docks but they have been observed swimming in close proximity. They are also known to forage and rest in various small patch kelp beds of the inner harbor, ranging from 0.5 to 1.5 miles (0.8 to 2.4 kilometers (km)) from the breakwater. The closest haulout to the project area is on Smith Island (Figure 1).

Pupping occurs from March through May in central California (Codde and Allen 2018). Pups are weaned in four weeks, most by mid-June (Codde and Allen 2018). Harbor seals molt from June through July (Codde and Allen 2018) and breed between late March and June (Greig and Allen 2015).

Steller Sea Lion

Steller sea lions range along the North Pacific Rim from northern Japan to California, with centers of abundance and distribution in the Gulf of Alaska and Aleutian Islands. Large numbers of individuals widely disperse when not breeding (late May to early July) to access seasonally important prey resources (Muto *et al.*, 2019). They were listed as threatened range-wide under the ESA on November 26, 1990 (55 FR 49204). Steller sea lions were subsequently partitioned into the western and eastern Distinct Population Segments (DPSs; western and eastern stocks) in 1997 (62 FR 24345, May 5, 1997). The western DPS breeds on rookeries located west of 144° W in Alaska and Russia, whereas the eastern DPS breeds on rookeries in southeast Alaska through California. The eastern DPS was delisted in 2013. The eastern DPS is the only population of Steller's sea lions thought to occur in the project area.

In the southern end of its range (Channel Islands in southern

California), Steller sea lions have declined considerably since the late 1930s and several rookeries and haulouts south of Año Nuevo Island have been abandoned (Carretta *et al.* 2019). Steller sea lions have been observed hauling out on the Port San Luis breakwater and work docks. Like the California sea lions, the general distribution of Steller sea lions when present along the breakwater is influenced by direct wave energy against exposed breakwater segments, the season, and day to day sea state conditions with the highest densities on the southeastern leeward end of the breakwater.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.*, Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.*, low-frequency cetaceans). Subsequently, NMFS (2018) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Marine mammal hearing groups and their associated hearing ranges are provided in Table 2.

TABLE 2—MARINE MAMMAL HEARING GROUPS
[NMFS, 2018]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.

TABLE 2—MARINE MAMMAL HEARING GROUPS—Continued
[NMFS, 2018]

Hearing group	Generalized hearing range *
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65 dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.* 2007) and PW pinniped (approximation).

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.*, 2006; Kastelein *et al.*, 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2018) for a review of available information. Harbor seals are in the phocid group and the sea lions are classified as otariid pinnipeds.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The Estimated Take section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The Negligible Impact Analysis and Determination section considers the content of this section, the Estimated Take section, and the Proposed Mitigation section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

The likely or possible impacts of the ACOE's proposed activity on marine mammals could involve both non-acoustic and acoustic stressors. Potential non-acoustic stressors could result from the physical and visual presence of the equipment, vessels, and personnel. Acoustic stressors include effects of heavy equipment operation, rock setting, and sediment movement. The effects of underwater and in-air noise and visual disturbance from the ACOE's proposed activities have the potential to result in Level B harassment of marine mammals in the action area.

Description of Sound Sources

The marine soundscape is comprised of both ambient and anthropogenic sounds. Ambient sound is defined as the all-encompassing sound in a given place and is usually a composite of sound from many sources both near and far (ANSI 1994, 1995). The sound level of an area is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.*, waves, wind, precipitation, earthquakes, ice, atmospheric sound), biological (*e.g.*, sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.*, vessels, dredging, aircraft, construction).

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise “ambient” or “background” sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.*, 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction activities associated with the project would include sediment removal and rock setting. The sounds produced by these activities fall into one of two general sound types: Impulsive and non-impulsive. Impulsive sounds (*e.g.*,

explosions, gunshots, sonic booms, impact pile driving) are typically transient, brief (less than 1 second), broadband, and consist of high peak sound pressure with rapid rise time and rapid decay (ANSI, 1986; NIOSH, 1998; ANSI, 2005; NMFS, 2018). Non-impulsive sounds (*e.g.*, machinery operations such as drilling or dredging, vibratory pile driving, and active sonar systems) can be broadband, narrowband or tonal, brief or prolonged (continuous or intermittent), and typically do not have the high peak sound pressure with rapid rise/decay time that impulsive sounds do (ANSI 1995; NIOSH 1998; NMFS 2018). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.*, Ward 1997 in Southall *et al.*, 2007). There is likely to be some level of non-impulsive sounds from the sediment removal and rock setting equipment activities. In addition there is likely to be some impulsive sounds from the setting or occasional accidental dropping of stones.

Acoustic Impacts

Visual disturbance and the introduction of anthropogenic noise into the environment from rock setting is the primary means by which marine mammals may be harassed from the ACOE's specified activity. In general, animals exposed to natural or anthropogenic sound may experience physical and psychological effects, ranging in magnitude from none to severe (Southall *et al.*, 2007). Generally, exposure to this construction noise has the potential to result in auditory threshold shifts and behavioral reactions (*e.g.*, avoidance, temporary cessation of foraging and vocalizing, changes in dive behavior). Exposure to anthropogenic noise can also lead to non-observable physiological responses such as an increase in stress hormones. Additional noise in a marine mammal's habitat can mask acoustic cues used by marine mammals to carry out daily

functions such as communication and predator and prey detection. The effects of noise on marine mammals are dependent on several factors, including, but not limited to, sound type (e.g., impulsive vs. non-impulsive), the species, age and sex class (e.g., adult male vs. mom with calf), duration of exposure, the distance between the activity and the animal, received levels, behavior at time of exposure, and previous history with exposure (Wartzok *et al.*, 2004; Southall *et al.*, 2007). Here we discuss physical auditory effects (threshold shifts) followed by behavioral effects and potential impacts on habitat.

NMFS defines a noise-induced threshold shift (TS) as a change, usually an increase, in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). The amount of threshold shift is customarily expressed in dB. A TS can be permanent or temporary. As described in NMFS (2018), there are numerous factors to consider when examining the consequence of TS, including, but not limited to, the signal temporal pattern (e.g., impulsive or non-impulsive), likelihood an individual would be exposed for a long enough duration or to a high enough level to induce a TS, the magnitude of the TS, time to recovery (seconds to minutes or hours to days), the frequency range of the exposure (*i.e.*, spectral content), the hearing and vocalization frequency range of the exposed species relative to the signal's frequency spectrum (*i.e.*, how animal uses sound within the frequency band of the signal; e.g., Kastelein *et al.*, 2014), and the overlap between the animal and the source (e.g., spatial, temporal, and spectral).

Permanent Threshold Shift (PTS)—NMFS defines PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS 2018). Available data from humans and other terrestrial mammals indicate that a 40 dB threshold shift approximates PTS onset (see Ward *et al.*, 1958, 1959; Ward, 1960; Kryter *et al.*, 1966; Miller, 1974; Ahroon *et al.*, 1996; Henderson and Hu, 2008). PTS levels for marine mammals are estimates, with the exception of a single study unintentionally inducing PTS in a harbor seal (Kastak *et al.*, 2008), there are no empirical data measuring PTS in marine mammals, largely due to the fact that, for various ethical reasons, experiments involving anthropogenic noise exposure at levels inducing PTS

are not typically pursued or authorized (NMFS, 2018).

Temporary Threshold Shift (TTS)—A temporary, reversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2018). Based on data from cetacean TTS measurements (see Southall *et al.*, 2007), a TTS of 6 dB is considered the minimum threshold shift clearly larger than any day-to-day or session-to-session variation in a subject's normal hearing ability (Schlundt *et al.*, 2000; Finneran *et al.*, 2000, 2002). As described in Finneran (2016), marine mammal studies have shown the amount of TTS increases with cumulative sound exposure level (SEL_{cum}) in an accelerating fashion: At low exposures with lower SEL_{cum} , the amount of TTS is typically small and the growth curves have shallow slopes. At exposures with higher SEL_{cum} , the growth curves become steeper and approach linear relationships with the noise SEL .

Depending on the degree (elevation of threshold in dB), duration (*i.e.*, recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious (similar to those discussed in auditory masking, below). For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that takes place during a time when the animal is traveling through the open ocean, where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts. We note that reduced hearing sensitivity as a simple function of aging has been observed in marine mammals, as well as humans and other taxa (Southall *et al.*, 2007), so we can infer that strategies exist for coping with this condition to some degree, though likely not without cost.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin, beluga whale (*Delphinapterus leucas*), harbor porpoise, and Yangtze finless porpoise (*Neophocaena asiaeorientalis*)) and five species of pinnipeds exposed to a limited number of sound sources (*i.e.*, mostly tones and octave-band noise) in laboratory settings (Finneran, 2015). TTS was not observed in trained spotted (*Phoca largha*) and ringed (*Pusa hispida*) seals exposed to

impulsive noise at levels matching previous predictions of TTS onset (Reichmuth *et al.*, 2016). In general, harbor seals and harbor porpoises have a lower TTS onset than other measured pinniped or cetacean species (Finneran, 2015). Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. No data are available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007), Finneran and Jenkins (2012), Finneran (2015), and Table 5 in NMFS (2018).

Resetting rocks and moving sediments are intermittent activities, especially for the loudest noises. There would likely be pauses in activities producing the sound during each day. Given these pauses and that many marine mammals are likely moving through the action area and not remaining for extended periods of time, the potential for TS declines.

Behavioral Harassment—Exposure to noise from the project also has the potential to behaviorally disturb marine mammals. Available studies show wide variation in response to in-air and underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to a sound by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (e.g., Lusseau and Bejder, 2007; Weilgart, 2007; NRC, 2005).

Disturbance may result in changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); avoidance of areas where sound sources are located. Pinnipeds may increase their haul out time, possibly to avoid in-water disturbance (Thorson and Reyff, 2006) or in the worst cases stampede en masse towards the water. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (e.g., species, state of

maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.*, Richardson *et al.*, 1995; Wartzok *et al.*, 2003; Southall *et al.*, 2007; Weilgart, 2007; Archer *et al.*, 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.*, 2012), and can vary depending on characteristics associated with the sound source (*e.g.*, whether it is moving or stationary, number of sources, distance from the source). In general, pinnipeds seem more tolerant of, or at least habituate more quickly to, potentially disturbing underwater sound than do cetaceans, and generally seem to be less responsive to exposure to industrial sound than most cetaceans. Please see Appendices B and C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.*, bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely contributing factors to differences in response in any given circumstance (*e.g.*, Croll *et al.*, 2001; Nowacek *et al.*, 2004; Madsen *et al.*, 2006; Yazvenko *et al.*, 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Stress responses—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.*, Seyle 1950; Moberg 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a

significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.*, Moberg 1987; Blecha 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.*, 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and "distress" is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.*, Holberton *et al.*, 1996; Hood *et al.*, 1998; Jessop *et al.*, 2003; Krausman *et al.*, 2004; Lankford *et al.*, 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker 2000; Romano *et al.*, 2002b) and, more rarely, studied in wild populations (*e.g.*, Romano *et al.*, 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as "distress." In addition, any animal experiencing TTS would likely also experience stress responses (NRC, 2003), however distress is an unlikely result of this project based on

observations of marine mammals during previous, similar projects in the area.

Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.*, those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.*, 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.*, snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.*, pile driving, shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.*, signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.*, sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions. Masking of natural sounds can result when human activities produce high levels of background sound at frequencies important to marine mammals. Conversely, if the background level of underwater sound is high (*e.g.*, on a day with strong wind and high waves), an anthropogenic sound source would not be detectable as far away as would be possible under quieter conditions and would itself be masked. The California coast area contains active commercial shipping, cruise ship and ferry operations, as well as numerous recreational and other commercial vessels; therefore, background sound levels in the area are already elevated.

Airborne Acoustic Effects—Pinnipeds that occur near the project site could be exposed to airborne sounds associated with the sediment removal and rock setting that have the potential to cause behavioral harassment, depending on their distance from the construction activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Airborne noise would primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above the acoustic criteria. We recognize that pinnipeds in the water could also be exposed to airborne sound that may result in behavioral harassment when looking with their

heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. For instance, anthropogenic sound could cause hauled-out pinnipeds to exhibit changes in their normal behavior, such as reduction in vocalizations, or cause them to temporarily abandon the area and move further from the source.

Visual Disturbance

Pinnipeds that occur near the project site could be exposed to visual disturbance associated with the sediment removal and rock setting activities that have the potential to cause behavioral harassment, depending on their sensitivity and distance from the construction activities. Cetaceans are not expected to be exposed to airborne visual disturbance that would result in harassment as defined under the MMPA.

Available studies show wide variation in response to in-air visual disturbance, therefore it is difficult to predict specifically how any given activity might affect pinnipeds perceiving the signal. If a pinniped does react briefly to visual disturbance by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. Since the construction work will not affect the entire length of the breakwater at any time the animals may simply move to other parts of the breakwater or nearby haulout locations. Some degree of habituation is possible. Monitoring data from the project will help ascertain these effects for similar future projects (see Proposed Monitoring and Reporting section below).

California sea lions and northern elephant seals have been observed as less sensitive to visual stimuli than harbor seals. For example, monitoring of pinniped disturbance as a result of abalone research in the Channel Islands showed that while harbor seals flushed at a rate of 69 percent, California sea lions flushed at a rate of only 21 percent. The rate for elephant seals declined to 0.1 percent (VanBlaricom 2010). For intertidal researchers the take rate for harbor seals was 40 percent, while for California sea lions and northern elephant seals it was 24 and 19 percent, respectively (PISCO 2019).

Construction activities related to estuary management and marsh restoration, including heavy equipment operation, sediment removal, and other activities, has also resulted in take of pinnipeds (Sonoma County Water

Agency 2019, California Department of Fish and Wildlife 2018).

Small and large vessels are also known to affect pinnipeds. Henry and Hammil (2001) measured the impacts of small boats (*i.e.*, kayaks, canoes, motorboats and sailboats) on harbor seal haulout behavior in Metis Bay, Quebec, Canada. The most frequent disturbances were caused by lower speed, lingering kayaks, and canoes (33.3 percent) as opposed to motorboats (27.8 percent) conducting high-speed passes. The seal's flight reactions could be linked to a surprise disturbance factor by kayaks and canoes, which approach slowly, quietly, and low on the water. However, the authors note that once the animals were disturbed, there did not appear to be any significant lingering effect on the recovery of numbers to their pre-disturbance levels.

Acevedo-Gutierrez and Johnson (2007) evaluated the efficacy of buffer zones for watercraft around harbor seal haul-out sites on Yellow Island, Washington. The authors estimated the minimum distance between the vessels and the haul-out sites; categorized the vessel types; and evaluated seal responses to the disturbances. During the course of the study the authors recorded 14 human-related disturbances that were associated with stopped powerboats and kayaks. During these events, hauled out seals became noticeably active and moved into the water. The authors note that the seals were unaffected by passing powerboats, even those approaching as close as 128 feet (39 m), possibly indicating that the animals had become tolerant of the brief presence of the vessels and ignored them. The authors reported that on average, the seals quickly recovered from the disturbances and returned to the haul-out site in 60 minutes or less.

The potential for striking marine mammals is a concern with vessel traffic. Typically, the reasons for vessel strikes are fast transit speeds, lack of maneuverability, or not seeing the animal because the boat is so large. The ACOE will access project areas at slow transit speeds, avoiding close approaches to the breakwater unless necessary, minimizing any chance of an accidental strike.

The available evidence thus suggests the construction and vessel activities of the work on Port San Luis harbor have the potential for short-term Level B behavioral harassment, but not more serious effects.

Marine Mammal Habitat Effects

The ACOE's construction activities could have localized, temporary impacts on marine mammal habitat and their

prey by increasing in-water sound pressure levels and slightly decreasing water quality. Increased noise levels may affect acoustic habitat (see masking discussion above) and adversely affect marine mammal prey in the vicinity of the project area (see discussion below). During project work, elevated levels of underwater noise would ensonify Port San Luis Harbor where both fishes and mammals occur and could affect foraging success. Additionally, marine mammals may avoid the area during construction, however, displacement due to noise is expected to be temporary and is not expected to result in long-term effects to the individuals or populations. Construction activities are of short duration, produce relatively quiet in-water noise levels (see below), and would likely have temporary impacts on marine mammal habitat through increases in underwater and airborne sound.

A temporary and localized increase in turbidity near the seafloor would occur in the immediate area surrounding the area where sediment is removed or redeposited. Increases in turbidity detectable above background levels are usually confined from 100 to 500 feet from the crane-equipped barge depending on sediment character and tidal current conditions (Merkel and Associates 2010). Sediment adjacent to the PSL breakwater is expected to be characterized as sands, which fall out of the water column quickly. Suspended solid concentrations would likely return to background levels within an hour to 24 hours after excavation ceases (Merkel and Associates 2010). Cetaceans are not expected to be close enough to the activities to experience effects of turbidity, and any pinnipeds could avoid localized areas of turbidity. Therefore, we expect the impact from increased turbidity levels to be discountable to marine mammals and do not discuss it further.

In-Water Construction Effects on Potential Foraging Habitat

The area likely impacted by the project is relatively small compared to the available habitat (*e.g.*, most of the impacted area is immediately adjacent to the breakwater and in the area where sediment is deposited of the bay and does not include any Biologically Important Areas). Extensive Pacific eelgrass (*Zostera pacifica*) beds are located throughout Port San Luis Harbor. Essential Fish Habitat mitigation under the Magnuson Stevens Act is a required part of the project for impacts to nearby eelgrass beds. The area is highly influenced by anthropogenic activities. The total

seafloor area affected is a very small area compared to the vast foraging area available to marine mammals in the area. At best, the impact area provides marginal foraging habitat for marine mammals and fish, while the new breakwater rocks would provide substrate for invertebrate prey to settle on. Furthermore, construction activity at the project site would not obstruct movements or migration of marine mammals.

Avoidance by potential prey (*i.e.*, fish) of the immediate area due to the temporary loss of this foraging habitat is also possible. The duration of fish avoidance of this area after construction stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity.

In-water Construction Effects on Potential Prey—Sound may affect marine mammals through impacts on the abundance, behavior, or distribution of prey species (*e.g.*, crustaceans, cephalopods, fish, zooplankton). Marine mammal prey varies by species, season, and location. Here, we describe studies regarding the effects of noise on known marine mammal prey.

Fish utilize the soundscape and components of sound in their environment to perform important functions such as foraging, predator avoidance, mating, and spawning (*e.g.*, Zelick and Mann, 1999; Fay, 2009). Depending on their hearing anatomy and peripheral sensory structures, which vary among species, fishes hear sounds using pressure and particle motion sensitivity capabilities and detect the motion of surrounding water (Fay *et al.*, 2008). The potential effects of noise on fishes depends on the overlapping frequency range, distance from the sound source, water depth of exposure, and species-specific hearing sensitivity, anatomy, and physiology. Key impacts to fishes may include behavioral responses, hearing damage, barotrauma (pressure-related injuries), and mortality.

Fish react to sounds which are especially strong and/or intermittent low-frequency sounds, and behavioral responses such as flight or avoidance are the most likely effects. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. The reaction of fish to noise depends on the physiological state of the fish, past exposures, motivation (*e.g.*, feeding, spawning, migration), and other environmental factors. Hastings and Popper (2005) identified several

studies that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.*, Scholik and Yan, 2001, 2002; Popper and Hastings, 2009). Several studies have demonstrated that impulse sounds might affect the distribution and behavior of some fishes, potentially impacting foraging opportunities or increasing energetic costs (*e.g.*, Fewtrell and McCauley, 2012; Pearson *et al.*, 1992; Skalski *et al.*, 1992; Santulli *et al.*, 1999; Paxton *et al.*, 2017). However, some studies have shown no or slight reaction to impulse sounds (*e.g.*, Pena *et al.*, 2013; Wardle *et al.*, 2001; Jorgenson and Gyselman, 2009; Cott *et al.*, 2012).

SPLs of sufficient strength have been known to cause injury to fish and fish mortality. However, in most fish species, hair cells in the ear continuously regenerate and loss of auditory function likely is restored when damaged cells are replaced with new cells. Halvorsen *et al.* (2012a) showed that a TTS of 4–6 dB was recoverable within 24 hours for one species. Impacts would be most severe when the individual fish is close to the source and when the duration of exposure is long. Injury caused by barotrauma can range from slight to severe and can cause death, and is most likely for fish with swim bladders. Barotrauma injuries have been documented during controlled exposure to impact pile driving (Halvorsen *et al.*, 2012b; Casper *et al.*, 2013).

The most likely impact to fish from construction activities at the project area would be temporary behavioral avoidance of the area. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated.

Construction activities, in the form of increased turbidity, have the potential to adversely affect fishes and invertebrates in the project area. Increased turbidity is expected to occur in the immediate vicinity of construction activities (see above). However, suspended sediments and particulates are expected to dissipate quickly. Given the limited area affected, high tidal dilution rates, and ability to avoid turbidity any effects on fish are expected to be minor or negligible. Some marine populations, particularly benthic organisms, would be destroyed by, or have filter-feeding or respiratory structures damaged by, the excavation of sediment, but are expected to recolonize the area once excavation of

sediment has ceased (Merkel and Associates 2010).

In summary, given the short daily duration of sound and visual disturbance associated with individual rock setting events and the relatively small areas being affected, construction activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat, or populations of fish species. Any behavioral avoidance by fish of the disturbed area would still leave significantly large areas of fish and marine mammal foraging habitat in the nearby vicinity. Thus, we conclude that impacts of the specified activity are not likely to have more than short-term adverse effects on any prey habitat or populations of prey species. Further, any impacts to marine mammal habitat are not expected to result in significant or long-term consequences for individual marine mammals, or to contribute to adverse impacts on their populations.

Estimated Take

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of "small numbers" and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as use of the acoustic source (*i.e.*, rock setting) and visual disturbance has the potential to result in disruption of behavioral patterns for individual marine mammals. Based on the nature of the activity, Level A harassment is neither anticipated nor proposed to be authorized. The proposed mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Generally speaking, we estimate take by considering: (1) Acoustic thresholds

above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. We note that while these basic factors can contribute to a basic calculation to provide an initial prediction of takes, additional information that can qualitatively inform take estimates is also sometimes available (e.g., previous monitoring results or average group size). Due to the lack of marine mammal density for some species, NMFS relied on local occurrence data and group size to estimate take. For activities like this with visual disturbance impacts we must also estimate the area or space within which harassment is likely to occur. Below, we describe the factors considered here in more detail and present the proposed take estimate.

Acoustic Thresholds

Using the best available science, NMFS has developed acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some

degree (equated to Level A harassment). Thresholds have also been developed identifying the received level of in-air sound above which exposed pinnipeds would likely be behaviorally harassed.

Level B Harassment for non-explosive sources—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (e.g., frequency, predictability, duty cycle), the environment (e.g., bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.*, 2007, Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a factor that is both predictable and measurable for most activities, NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally harassed in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 microPascal (μ Pa) (root mean square (rms)) for continuous (e.g., vibratory pile-driving) and above 160 dB re 1 μ Pa (rms) for non-explosive impulsive (e.g., impact pile driving) or intermittent (e.g., scientific sonar) sources. The ACOE's

proposed activity includes the use of continuous (general construction equipment and machinery) and impulsive (rock setting) sources, and therefore the 120 and 160 dB re 1 μ Pa (rms) thresholds are applicable.

For in-air sounds, NMFS predicts that harbor seals exposed above received levels of 90 dB re 20 μ Pa (rms) will be behaviorally harassed, and other pinnipeds will be harassed when exposed above 100 dB re 20 μ Pa (rms).

Level A harassment for non-explosive sources—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) (Technical Guidance, 2018) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The ACOE's activity includes the use of impulsive (rock setting) and non-impulsive (general construction) sources.

These thresholds are provided in Table 3. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2018 Technical Guidance, which may be accessed at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>.

TABLE 3—THRESHOLDS IDENTIFYING THE ONSET OF PERMANENT THRESHOLD SHIFT

Hearing group	PTS onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 219 dB; $L_E,LF,24h$: 183 dB	Cell 2: $L_E,LF,24h$: 199 dB.
Mid-Frequency (MF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB; $L_E,MF,24h$: 185 dB	Cell 4: $L_E,MF,24h$: 198 dB.
High-Frequency (HF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB; $L_E,HF,24h$: 155 dB	Cell 6: $L_E,HF,24h$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 218 dB; $L_E,PW,24h$: 185 dB	Cell 8: $L_E,PW,24h$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 232 dB; $L_E,OW,24h$: 203 dB	Cell 10: $L_E,OW,24h$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μ Pa, and cumulative sound exposure level (L_E) has a reference value of 1 μ Pa²s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds, which include source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus additional construction noise from the proposed project. Marine mammals are expected to be affected via sound generated by the primary components of the project (i.e., rock setting and sediment removal).

Level B Harassment Zones

Transmission loss (TL) is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth,

water depth, water chemistry, and bottom composition and topography. The general formula for underwater TL is:

$$TL = B * \text{Log}_{10} (R1/R2),$$

where:

TL = transmission loss in dB

B = transmission loss coefficient; for practical spreading equals 15

R1 = the distance of the modeled SPL from the driven pile, and

R2 = the distance from the driven pile of the initial measurement

The recommended TL coefficient for most nearshore environments is the, practical spreading value of 15. This value results in an expected propagation environment that would lie between spherical and cylindrical spreading loss conditions, which is the most appropriate assumption for the ACOE's proposed activity.

In order to calculate distances to the Level A harassment and Level B harassment sound thresholds for this project, NMFS used acoustic monitoring data collected by the ACOE. In February 2019 a team of researchers from the ACOE Los Angeles District and Engineer Research and Development Center traveled to a breakwater repair project at the Port of Long Beach, CA to collect representative sound data in anticipation of the Port San Luis breakwater project. Maintenance activities on the Long Beach, CA breakwater provided near identical conditions to the proposed work activities at Port San Luis, but the Long Beach site has no marine mammals nearby. At Long Beach they collected in-air and in-water sound recordings from both the rock setting and other construction equipment sounds. They also recorded ambient sound data at San Luis Obispo, CA near the breakwater to be used as a baseline measurement for proposed repair work. The analysis of the sound files provided by the ACOE to determine source levels relevant to marine mammal exposures contained some methods that we did not entirely concur with, but our acoustics expert (Dr. Shane Guan) was able to determine from them that in-water noise would not exceed marine mammal thresholds beyond 10 m (33 feet) from the source. He was also able to determine that in-

air noise would not exceed the pinniped in-air thresholds at a distance greater than 100 m (328 feet) from the source.

Visual Disturbance

During the above-mentioned acoustic surveys of the similar breakwater repair work at the Port of Long Beach pinnipeds maintained a minimum approximate 150 foot (46 m) distance from construction equipment and personnel (Natalie Martinez-Takeshita, ACOE, personal communication 2020). Observations on a past breakwater repair project in Redondo Harbor, California showed that pinnipeds that flushed from distances up to 100 m (Natalie Martinez-Takeshita, ACOE, personal communication 2021). As noted above the construction barge could be up to 260 feet (80 m) long with activity occurring simultaneously at either end as well as the full reach of the crane. Based on the above information, we conservatively estimate a 200 m (660 ft) radius potential effect zone for Level B harassment of pinnipeds by visual disturbance. This equals or exceeds any effect radius from in-air noise. Given the breakwater is 2,400 feet (730 m) long, this means large portions of the breakwater should be undisturbed and available for animals to re-haulout on any given construction day.

Marine Mammal Occurrence and Take Calculation and Estimation

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations. Take by Level B harassment is proposed for authorization and summarized in Table 6.

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

Merkel and Associates (2019) conducted three marine mammal surveys of the breakwater in 2018 as part of the preparation for this project. The surveys were in June, July and September. The focus was on other taxa besides marine mammals. Their most detailed marine mammal survey was in June when pinnipeds were identified to species level. They identified California sea lions and Steller sea lions hauled

out on the breakwater, with 94 percent of the animals being California sea lions. Greater densities of pinnipeds were observed hauled out at the south eastern end of the breakwater, and the greatest densities were consistently observed at the most seaward end of the breakwater.

In further anticipation of this project, the ACOE conducted additional approximately monthly marine mammal surveys, weather permitting, in the project area in 2019 to estimate breakwater abundance levels to use to estimate take. The 2019 surveys did not distinguish between California sea lions and Steller seals and assumed the Merkel and Associates (2019) determination that 94 percent of the animals were California sea lions and 6 percent were Steller sea lions applied during 2019 as well. While harbor seals were not observed hauled out on the breakwater, the ACOE did observe them hauled out at the low lying rocky benches of Smith Island (approximately 400 m (1,300 feet) from the nearest repair area). They were also observed in the water adjacent to the breakwater on at least one occasion. No other marine mammal species were observed in the project area.

California Sea Lion and Steller Sea Lion

The ACOE surveys from 2019 found that pinnipeds were present on the breakwater from April through December (Table 4), likely due to lower wave energy at those times. The highest number were present from June through September. We averaged the three highest surveys (bolded in the table) during the likely work period to determine that an average of 321.33 animals were present daily during the spring to fall construction season. Using the results of Merkel and Associates (2019) June 2018 survey we estimated those 321.33 animals were comprised of 302.05 California sea lions and 19.29 Steller sea lions per day. We used these numbers to estimate take for these two species for the project by multiplying these daily take estimates by the total number of work days (174). For California sea lions this is $302.05 \times 174 = 52,557$ takes, and for Steller sea lions this is $19.28 \times 174 = 3,355$ takes.

TABLE 4—ACOE 2019 BREAKWATER PINNIPED SURVEY RESULTS BY SIDE OF BREAKWATER

Survey date	Leeward	Seaward	Total
1/30/2019	0	0	0
1/31/2019	0	0	0
2/1/2019	0	0	0
3/1/2019	0	(*)	*0
3/24/2019	0	(*)	*0
3/30/2019	0	(*)	*0

TABLE 4—ACOE 2019 BREAKWATER PINNIPED SURVEY RESULTS BY SIDE OF BREAKWATER—Continued

Survey date	Leeward	Seaward	Total
3/31/2019	0	(*)	*0
4/1/2019	0	(*)	*0
5/1/2019	0	18	18+
5/28/2019	188	(*)	188
6/3/2019	182	115	297
7/29/2019	166	25	191
8/27/2019	0	1	1
9/25/2019	326	150	476
11/6/2019	398	(*)	*398
12/5/2019	113	(*)	*113
12/28/2019	0	0	**0

* Seaward side of breakwater not surveyed because of sea state conditions, no pinnipeds expected to be hauled out during these times.

** No pinnipeds hauled out on breakwater, 3 observed swimming near head of breakwater.

Bold indicates months survey data was used to calculate the average abundance of pinnipeds on the PSL Breakwater per day.

Harbor Seal

While harbor seals were not observed hauled out on the breakwater, they were observed hauled out at the low lying rocky benches of Smith Island and in the water near the breakwater during the

ACOE 2019 surveys. Estimated daily abundance for harbor seals was also calculated using the three highest abundance surveys from 2019 survey data from the likely construction season (late March through September, bolded in Table 5). The average abundance in

the project area was 10.33 seals per day. We used this average and calculated total take for the project by multiplying by the total number of work days (174). For harbor seals this is $10.33 \times 174 = 1,797$ takes.

TABLE 5—ACOE 2019 HARBOR SEAL SURVEY RESULTS

Survey date	Swimming near breakwater	Hauled out at Smith Island	Swimming near Smith Island	Total
1/30/19–2/1/19	0	13	Several	~16
3/1/2019	0	15	0	15
3/24/2019	1	14	3	18
5/1/2019	0	10	0	10
5/28/2019	0	2	1	3
6/3/2019	0	0	0	0
7/29/2019	0	0	0	0
8/27/2019	0	0	0	0
9/25/2019	0	0	0	0
11/6/2019	0	0	0	0
12/5/2019	0	25	0	25
12/28/2019	0	1	1	2

Bold indicates months survey data was used to calculate the average abundance per day.

Summary

The above-calculated take estimates are likely to be conservative as some animals may habituate to the project and regularly haul out on the parts of the breakwater where there is no

construction activity, where construction activity has finished, or they may move to other nearby haulout locations. Moreover, because the main area of effect on any given day is no more than 300 m of breakwater length, the breakwater is much longer than this,

most pinnipeds are concentrated at the far 200 m of the breakwater, and the project will begin at the landward end of the breakwater, far fewer animals will likely be taken in the early stages of the project.

TABLE 6—PROPOSED AUTHORIZED AMOUNT OF TAKING, BY LEVEL A HARASSMENT AND LEVEL B HARASSMENT, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Authorized take		Percent of stock
	Level B	Level A	
Harbor seal (<i>Phoca vitulina</i>) California Stock	52,557	0	20.4
California sea lion (<i>Zalophus californianus</i>) U.S. Stock	3,355	0	7.8
Steller sea lion (<i>Eumetopias jubatus</i>) Eastern DPS	1,797	0	6.6

Proposed Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA,

NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the

species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of

the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned), and;

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.

The following mitigation measures are proposed in the IHA:

- Monitoring must take place from 30 minutes prior to initiation of construction activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post-completion of construction activity.

- The ACOE must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 meters of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction.

- Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead Protected Species Observer (PSO) to determine the shutdown zones clear of marine mammals. Construction may

commence when the determination is made.

- If construction is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone or 15 minutes have passed without re-detection of the animal.

- The Holder must use soft start techniques. Soft start requires contractors and equipment to slowly approach the work site creating a visual disturbance allowing animals in close proximity to construction activities a chance to leave the area prior to stone resetting or new stone placement. Contractors shall avoid walking or driving equipment through the seal haul-out. A soft start must be implemented at the start of each day's construction activity and at any time following cessation of activity for a period of 30 minutes or longer.

- Vessels would approach the breakwater perpendicular to the area they need to be as much as is feasible to minimize interactions with pinnipeds on or near the breakwater.

- The Holder must ensure that construction supervisors and crews, the monitoring team, and relevant ACOE staff are trained prior to the start of construction activity subject to this IHA, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood. New personnel joining during the project must be trained prior to commencing work.

- Construction activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within a 200 m Level B harassment zone.

- Construction work will start at the landward end of the breakwater as much as feasible.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means effecting the least practicable adverse impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth

requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.*, presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.*, source characterization, propagation, ambient noise); (2) affected species (*e.g.*, life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.*, age, calving or feeding areas);

- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;

- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;

- Effects on marine mammal habitat (*e.g.*, marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and

- Mitigation and monitoring effectiveness.

Visual Monitoring

Marine mammal monitoring must be conducted in accordance with the Monitoring section of the application and Section 5 of the IHA. These observers must record all observations of marine mammals, regardless of distance from the construction activity. Marine mammal monitoring during construction activity must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- Independent PSOs (*i.e.*, not construction personnel) who have no other assigned tasks during monitoring periods must be used;

- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;

- Other PSOs may substitute education (degree in biological science or related field) or training for experience; and

- The ACOE must submit PSO Curriculum Vitae for approval by NMFS prior to the onset of pile driving.

PSOs must have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;

- Experience or training in the field identification of marine mammals, including the identification of behaviors;

- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

- Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not implemented when required); and marine mammal behavior; and

- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

One PSO will be employed. PSO location will provide an unobstructed view of all water within the shutdown zone, and as much of the Level B harassment zones as possible. PSO location is as follows:

(1) At the crane barge site or best vantage point practicable to monitor the shutdown zones; and

Monitoring will be conducted 30 minutes before, during, and 30 minutes after construction activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from construction activity.

Reporting

A draft marine mammal monitoring report will be submitted to NMFS within 90 calendar days after the completion of pile driving and removal activities, or 60 calendar days prior to the requested issuance of any subsequent IHAs for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 days following resolution of any NMFS comments on the draft report. The report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. All draft and final marine mammal and acoustic monitoring reports must be submitted to PR.ITP.MonitoringReports@noaa.gov and Dwayne.Meadows@noaa.gov. Specifically, the report must include:

- Dates and times (begin and end) of all marine mammal monitoring.

- Construction activities occurring during each daily observation period, including how many and what type of rocks were set or reset and total duration of rock setting.

- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance.

- PSO locations during marine mammal monitoring.

- Upon observation of a marine mammal, the following information:

- PSO who sighted the animal and PSO location and activity at time of sighting;

- Time of sighting;

- Identification of the animal (*e.g.*, genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species;

- Distance and bearing of each marine mammal observed to the rock setting for each sighting (if rock setting was occurring at time of sighting);

- Estimated number of animals (min/max/best);

- Estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.);

- Animal's closest point of approach and estimated time spent within the harassment zone;

- Number of disturbances, by species and age, according to a three-point scale of disturbance (see Table 7).

Observations of disturbance Levels 2 and 3 must be recorded as takes.

Description of any additional marine mammal behavioral observations (*e.g.*, observed behaviors such as feeding or traveling;

- Detailed information about implementation of any mitigation (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal, if any.

The ACOE must submit all PSO datasheets and/or raw sighting data. If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

TABLE 7—LEVELS OF PINNIPED BEHAVIORAL DISTURBANCE

Level	Type of response	Definition
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2	Movement	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3	Flush	All retreats (flushes) to the water.

Reporting Injured or Dead Marine Mammals

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the ACOE must report the incident to the Office of Protected Resources (OPR), NMFS and to the regional stranding coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, the ACOE must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. The IHA-holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken” through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.*, intensity, duration), the context of any responses (*e.g.*, critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989

preamble for NMFS’s implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

To avoid repetition, this introductory discussion of our analyses applies to all of the species listed in Table 6, given that many of the anticipated effects of this project on different marine mammal stocks are expected to be relatively similar in nature. Construction activities have the potential to disturb or displace marine mammals. Specifically, the project activities may result in take, in the form of Level B harassment from in-air sounds and visual disturbance generated from rock setting and sediment removal. Potential takes could occur if individuals are present in the ensonified or disturbance zone(s) when these activities are underway.

The takes from Level B harassment would be due to potential behavioral disturbance or TTS. No mortality or PTS is anticipated given the nature of the activity and measures designed to minimize the possibility of injury to marine mammals. The potential for harassment is minimized through the construction method and the implementation of the planned mitigation measures (see Proposed Mitigation section).

For all species and stocks, take would occur within a very limited, confined area (Port San Luis harbor) of any given stock’s range. Level B harassment will be reduced to the level of least practicable adverse impact through use of mitigation measures described herein. Behavioral responses of marine mammals to construction at the project site, if any, are expected to be mild and temporary. Marine mammals within the Level B harassment zone may not show any visual cues they are disturbed by activities (as noted during modification to the Kodiak Ferry Dock and other construction projects near pinnipeds) or could become alert, avoid the area, leave the area, or display other mild responses that are not observable such as changes in vocalization patterns. Given the short duration of noise-generating activities per day, any harassment would be temporary. There are no other areas or times of known biological importance for any of the affected species.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on the stocks’ ability to recover. In

combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities will have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and will therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- No mortality is anticipated or authorized.
- No Level A harassment is anticipated or authorized.
- No biologically important areas have been identified within the project area.
- For all species, the harbor is a very small and peripheral part of their range.
- The ACOE would implement mitigation measures such as vessel avoidance and slow down, proceeding from the low density to high density areas to increase habituation, soft-starts, and shut downs; and
- Monitoring reports from similar work have documented little to no effect on individuals of the same species impacted by the specified activities.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such

as the temporal or spatial scale of the activities.

The amount of take NMFS proposes to authorize of all species or stocks is below one third of the estimated stock abundance. These are all likely conservative estimates because they assume all takes are of different individual animals which is likely not the case as most stocks do not move in or out of the area frequently. Some individuals may return multiple times in a day, but PSOs would count them as separate takes if they cannot be individually identified.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the West Coast Region Protected Resources Division Office, whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to the ACOE to conduct the Port San Luis Breakwater Repair project in Avila Beach, California from April 1, 2022 through March 31, 2023, provided the previously mentioned mitigation,

monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>.

Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed Port San Luis Breakwater Repair project. We also request at this time comment on the potential renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent Renewal IHA.

On a case-by-case basis, NMFS may issue a one-time one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Specified Activities section of this notice is planned or (2) the activities as described in the Specified Activities section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the Dates and Duration section of this notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA);
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized; and

- Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than

minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

Dated: March 12, 2021.

Donna S. Wieting,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2021-05512 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Return Link Service Authorization in the United States Search and Rescue Region

AGENCY: National Environmental Satellite, Data, and Information Service (NESDIS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice and request for public comment.

SUMMARY: The U.S. Search and Rescue Satellite Aided Tracking (SARSAT) Program, which is managed by NOAA and assisted by the National Aeronautics and Space Administration, the U.S. Air Force, and the U.S. Coast Guard, requests input from all interested persons on the U.S. authorization of Return Link Service (RLS) acknowledgment Type 1 capable Cospas-Sarsat 406 MHz distress beacons. Through this Request for Information (RFI), the SARSAT Program seeks the public's views on the inclusion of this optional feature on U.S. country-coded beacons.

DATES: Comments must be received by June 1, 2021.

ADDRESSES: Responses should be submitted via email to sarsat.rlsrfi@noaa.gov. Include "Public Comment on type approval of RLS beacons" in the subject line of the message. All personal identifying information (*e.g.*, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NOAA will accept anonymous comments. Clearly indicate which question or subject, if applicable, submitted comments pertain to. All submissions must be in English. Please note that the U.S. Government will not pay for response preparation, or for the use of any information contained in the response.

Instructions: Respondents need not reply to any or all of the questions

listed. Email attachments will be accepted in plain text, Microsoft Word, or Adobe PDF formats only. Each individual or institution is requested to submit only one response. The SARSAT Program may post responses to this RFI, without change, on a Federal website. NOAA, therefore, requests that no business proprietary information, copyrighted information, or personally identifiable information be submitted in response to this RFI.

FOR FURTHER INFORMATION CONTACT: SARSAT Program Analyst, Mr. Allan Knox, NOAA, allan.knox@noaa.gov, 301-817-4144.

SUPPLEMENTARY INFORMATION:

Background

The RLS is being provided via the Galileo Global Navigation Satellite System and is designed to provide the beacon user in distress an acknowledgment message informing them that the alert has been detected and located by the Cospas-Sarsat System.

The SARSAT Program has commenced an effort to understand the benefits and associated risks of RLS Type 1 equipped beacons and is soliciting the public through this RFI to obtain input from a wider range of stakeholders, including academia, private industry, beacon users and other relevant organizations and institutions. The public input provided in response to this RFI will help inform the SARSAT Program as it evaluates the authorization of RLS Type 1 equipped beacons within the United States.

In depth information on RLS Type 1 equipped beacons can be found at: <https://www.gsc-europa.eu/sites/default/files/sites/all/files/Galileo-SAR-SDD.pdf>.

Additional information on RLS-enabled beacons may be viewed at: <https://cospas-sarsat.int/en/beacon-ownership/rls-enabled-beacon-purchase>.

Questions To Inform U.S. SARSAT Program Regarding Authorization of Type 1 RLS Cospas-Sarsat Distress Beacons

Please consider the following questions of interest to the SARSAT Program when responding:

1. Under nominal conditions, the RLS has an inherent period of time between beacon activation and the acknowledgement being received and displayed to the person in distress. This period of time should be within 30 minutes. Is this acceptable? If not, what is an acceptable time?

2. What is the best method to ensure the user understands that there is a

period of time before the acknowledgement message is received? Please consider that the user's first interaction with an RLS capable beacon could be an emergency situation where only the beacon is available (no user manual).

3. RLS only indicates that the distress signal has been received, not that rescue forces have been deployed. Therefore, the acknowledgement message is not an indication of when rescue forces may arrive on scene. How should the beacon user be provided this information so that they understand what the RLS signal means? Please consider that the user's first interaction with an RLS capable beacon could be an emergency situation where only the beacon is available (no user manual).

4. There are several RLS related message indications that can be displayed to the beacon user; RLS signal sent from beacon, awaiting RLS signal return, RLS response received, RLS signal not received, etc. Which signals should be displayed to the user and how should they be displayed? Please consider the user's first interaction with an RLS capable beacon could be an emergency situation where only the beacon is available (no user manual).

5. Are there any other features you believe would be advantageous to add to 406 MHz emergency beacons?

6. Are there any other comments you would like the U.S. SARSAT Program to consider?

Authority: 33 U.S.C. 883(d) and (e).

Dated: March 11, 2021.

Mark W. Turner,
SARSAT Program Manager.

[FR Doc. 2021-05450 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-HR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA906]

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that

an Exempted Fishing Permit renewal application from the Commercial Fisheries Research Foundation contains all of the required information and warrants further consideration. This permit would facilitate research on the abundance and distribution of juvenile American lobster and Jonah crab along the northwest Atlantic coast. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notice to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before April 1, 2021.

ADDRESSES: You may submit written comments by the following method:

- **Email:** NMFS.GAR.EFP@noaa.gov. Include in the subject line "Comments on CFRF Lobster Study Fleet EFP." If you are unable to submit your comments via the comments email address, please contact Laura Hansen at (978) 281-9225 or email at Laura.Hansen@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Laura Hansen, Fishery Management Specialist, 978-281-9225, Laura.Hansen@noaa.gov.

SUPPLEMENTARY INFORMATION: The Commercial Fisheries Research Foundation (CFRF) submitted a complete application to renew an existing Exempted Fishing Permit (EFP) on December 9, 2020, to conduct fishing activities that the regulations would otherwise restrict. The EFP would authorize 19 vessels to continue a study using ventless lobster traps to survey the abundance and distribution of juvenile American lobster and Jonah crab in regions and times of year not covered by traditional surveys. This EFP proposes to use 69 ventless lobster traps throughout Lobster Conservation Management Areas (LCMA) 1, 2, 3, 4, and 5. Maps of these areas are available at: <https://www.fisheries.noaa.gov/resource/map/lobster-management-areas>. The study would inform management by addressing questions of changing reproduction and recruitment dynamics of lobster, and developing a foundation of knowledge for the data poor Jonah crab fishery.

Funding for this study is through the Campbell Foundation and the Saltonstall-Kennedy Grant Program (Grant # NA17NMF4270208). For this project, CFRF is requesting exemptions from the following Federal lobster regulations:

1. Gear specification requirements in 50 CFR 697.21(c) to allow for closed escape vents and smaller trap mesh and entrance heads;

2. Trap limit requirements, as listed in § 697.19, for LCMA 1, 2, 3, 4 and 5, to be exceeded by 3 additional traps per fishing vessel for a total of 69 additional traps;

3. Trap tag requirements, as specified in § 697.19(j), to allow for the use of untagged traps (though each experimental trap will have the participating fisherman's identification attached); and

4. Possession restrictions in § 697.20(a), (d), (g), and (h)(1) and (2), to allow for onboard biological sampling of undersized, v-notched, and egg-bearing lobsters and undersized and egg-bearing Jonah crabs.

If the EFP is approved, this study would take place during the regular fishing activity of 19 federally-permitted commercial fishing vessels; 4 "inshore" vessels in LCMA 2 and 15 "offshore" vessels in LCMA 1, 3, and 4. Four additional offshore vessels will be added to the project at a later date. Each vessel would have up to three modified traps attached to a standard Atlantic Large Whale-compliant, trap trawl. When the additional vessels are active on the EFP, no more than 69 total modified traps would be in the water at any time. The modifications to a conventional lobster trap would include a closed escape vent, single parlor, and smaller mesh size and entrance head to capture juvenile lobsters and Jonah crabs. Additional traps would be added to the participating vessels' commercial trawls so there would be no additional vertical lines as a result of this project. Sampling would occur year round with traps hauled weekly in LCMA 2 and every 10 days in the other areas. All lobsters and Jonah crabs caught in the experimental traps would be counted, sexed, and measured. Biological information, including shell hardness and presence of eggs, would also be recorded. All species captured in study traps would be returned promptly to the sea after sampling. All data collected would be made available to state and Federal management agencies to improve and enhance the available data for these two crustacean species.

If approved, the applicant may request minor modifications and extensions to the EFP throughout the study period. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP

request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

(Authority: 16 U.S.C. 1801 *et seq.*)

Dated: March 11, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021-05449 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA876]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit application contains all of the required information and warrants further consideration. The Exempted Fishing Permit would allow four commercial surfclam and ocean quahog vessels to conduct at-sea paralytic shellfish poisoning testing in the Closed Area II scallop access area in statistical area 552. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before April 1, 2021.

ADDRESSES: You may submit written comments by the following method:

- *Email:* nmfs.gar.efp@noaa.gov.

Include in the subject line "Sea Watch Surfclam EFP."

FOR FURTHER INFORMATION CONTACT:

Laura Hansen, Fishery Management Specialist, 978-281-9225, Laura.Hansen@noaa.gov.

SUPPLEMENTARY INFORMATION: Sea Watch is requesting exemption from the Georges Bank Closed Area specified at 50 CFR 648.76(a)(4). The proposed project would explore expansion of the area that is currently open to vessels that are certified for at-sea testing for paralytic shellfish poisoning (PSP).

This Exempted Fishing Permit (EFP) would allow four commercial surfclam and ocean quahog vessels, using hydraulic clam dredge gear, to conduct at-sea PSP testing in the Closed Area II scallop access area in statistical area 552. The participating vessels are already certified for at-sea testing and are currently operating the area that opened in George's Bank in 2012. Vessels would take 2 trips per week for a yearlong period, for a total of up to 416 trips. Each trip would be between two to four days. Vessels would land up to 4,800 bushels (169,148 L) of surfclams or ocean quahogs per trip. All landings would be handled under the current PSP protocol in place as mandated by the Food and Drug Administration and Interstate Shellfish Sanitation Conference. A positive PSP result from any one sample would deem the area unacceptable for harvest. The vessel Captain would immediately report all positive screening test results, by telephone or email, to the Authority within the intended State of landing, the Food and Drug Administration (FDA) Shellfish Specialist, and the processor. The FDA would notify NMFS and permitted vessels would stop fishing in the affected area(s).

Participating vessels would adhere to all seasonal groundfish closures in Closed Area II and would not retain any scallops while on EFP trips. Additionally, vessels must also adhere to all other requirements at 50 CFR 648.76(a)(4)(i).

If approved, Sea Watch may request minor modifications and extensions to the EFP throughout the study. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 11, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021-05459 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648-XA937]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Portsmouth Naval Shipyard Dry Dock 1 Modification and Expansion

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of a renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued a renewal incidental harassment authorization (IHA) to the U.S. Navy (Navy) to take small numbers of marine mammals, by harassment, incidental to Portsmouth Naval Shipyard Dry Dock 1 modification and expansion in Kittery, Maine.

DATES: This authorization is effective from the date of issuance through February 27, 2022.

FOR FURTHER INFORMATION CONTACT:

Carter Esch, Office of Protected Resources, NMFS, (301) 427-8421. Electronic copies of the original application, renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:**Background**

The Marine Mammal Protection Act (MMPA) prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a

proposed incidental take authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). Monitoring and reporting of such takings are also required. The meaning of key terms such as “take,” “harassment,” and “negligible impact” can be found in section 3 of the MMPA (16 U.S.C. 1362) and the agency’s regulations at 50 CFR 216.103.

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial authorization, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Description of the Specified Activities and Anticipated Impacts section of this notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of this notice would not be completed by the time the IHA expires and a renewal would allow for completion of the activities beyond that described in the Dates and Duration section of a notice, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted under the requested renewal IHA are identical to the

activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.

History of Request

On November 1, 2018, NMFS received a request from the Navy for authorization of the taking, by Level B harassment and Level A harassment, of marine mammals incidental to the modification and expansion of Dry Dock 1 at Portsmouth Naval Shipyard in Kittery, Maine. The specified activity is expected to result in the taking of five species of marine mammals (harbor seals (*Phoca vitulina*), gray seals (*Halichoerus grypus*), harp seals (*Pagophilus groenlandicus*), hooded seals (*Cystophora cristata*), and harbor porpoises (*Phocoena phocoena*)). A final version of the application, which NMFS deemed adequate and complete, was submitted on March 11, 2019. NMFS published a notice of a proposed IHA (referred to hereafter as the proposed initial IHA) and request for comments on April 4, 2019 (84 FR 13252). After the public comment period, NMFS issued the final IHA on May 16, 2019, effective October 1, 2019, through September 30, 2020 (84 FR 24476), hereafter referred to as the 2019 IHA. On September 30, 2019, the Navy informed NMFS that the project was delayed. None of the work identified in the IHA had occurred and no take of any

marine mammals had occurred since the issuance of the IHA. The Navy requested that NMFS modify the effective dates in order to conduct the construction work that was previously analyzed and authorized. On December 3, 2019, NMFS re-issued, with new effective dates, an IHA to the Navy to take marine mammals incidental to modification and expansion of the Portsmouth Naval Shipyard Dry Dock 1 in Kittery, Maine (84 FR 67261; December 9, 2019), effective from March 1, 2020, through February 28, 2021 (hereafter referred to as the initial IHA).

On January 21, 2021, NMFS received an application for the renewal of the initial IHA. As described in the request for the renewal IHA, the activities for which incidental take is requested include a small subset of the activities that are covered by the initial authorization but will not be completed prior to its expiration, as well as a new additional activity that is nearly identical to that covered in the initial authorization. As required, the applicant also provided a preliminary monitoring report (available at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>) which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted.

Description of the Specified Activities and Anticipated Impacts

The Navy's authorized activities include installation of temporary dolphin piles for construction of the caisson seat float-in, completion of the caisson seat foundation, and construction of a temporary blast wall. The Navy planned to install the guide dolphin piles in February 2021, prior to the expiration of the initial IHA; however, due to unforeseen delays, these piles are now scheduled to be installed during March and April, 2021, under the renewal IHA. Additionally, the installation of sheet piles to complete the caisson seat foundation was scheduled to conclude on February 25, 2021, although unanticipated delays prevented the completion of this activity prior to the expiration of the initial IHA. Finally, construction of a temporary blast wall was not specifically analyzed in the 2019 IHA, but will involve the installation of a comparatively small number (in relation to the initial IHA) of similar or smaller size steel sheet and pipe piles using installation methods identical to those

described in the 2019 IHA. The location and nature of the activities, including the types of equipment planned for use, are nearly identical to those described in the initial IHA. Similarly, the anticipated impacts are identical in nature to those described in the initial IHA.

The following documents are referenced in this notice and include important supporting information:

- Reissued 2019 IHA (84 FR 67261; December 9, 2019);
- 2019 final IHA (84 FR 24476; May 28, 2019);
- 2019 proposed IHA (843 FR 13252; April 4, 2019);
- 2019 IHA application, references cited, and previous public comments received (available at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>).

Detailed Description of the Activity

The Navy will modify and expand Dry Dock 1 at Portsmouth Naval Shipyard because dimensional limitations currently impede operations and maintenance. To minimize impacts on dry dock operations during construction, the overall project is being constructed in phases. The first element, construction of a superflood basin, is scheduled to occur in six phases; activities associated with first two phases, and one activity from Phase 3 (installation of the caisson seat float-in) were described and analyzed in the 2019 IHA. Phases 1 and 2, planned to be completed under the initial IHA, included site reconnaissance, field measurements, contractor submittals and general mobilization activities (Phase 1), and construction of the southern closure wall, construction of the caisson seat float-in and foundation, Berth 1 and 11 improvements, Dry Dock 1 utility improvements, and dredging (Phase 2). Schedule delays precluded installation of the caisson seat float-in; therefore, this construction activity will be completed under the renewal IHA.

To construct the caisson seat float-in, the Navy will use vibratory pile driving to install six temporary dolphins, comprised of twelve, 30-inch (in) diameter steel pipe piles (a reduction in size from the 36-in diameter steel pipe piles analyzed for this activity in the 2019 IHA).

To construct the remaining portion of the caisson seat foundation, the renewal IHA includes the installation of 20, 27-in sheet piles using a combination of vibratory and impact pile driving, as described in the initial IHA. The 2019 IHA analyzed the potential for Level A

harassment and Level B harassment from installation of 20, 24-in sheet piles using the identical installation methods; the size of the sheet pile included in this authorization is slightly larger and the source levels used to model distances to the Level A harassment and Level B harassment isopleths are accordingly slightly higher (see *Estimated Take* section, Table 1). However, although the sheet pile size is slightly larger, the number of 27-in sheet piles (20) associated with installation of the caisson seat foundation included in the renewal IHA is identical in number to that planned for the caisson seat foundation and is also a small subset of the total number (320) of 24-in sheet piles included in the initial IHA.

Finally, the Navy will construct a temporary blast wall, comprised of 15, 30-in steel pipe piles and 70, 25-in sheet piles installed using vibratory pile driving only. This wall will be located within the project area, across the opening of the existing Dry Dock 1 between Berth 1 and Berth 11A and opposite the caisson seat, described in the proposed initial IHA (84 FR 13252; April 4, 2019). For comparison, the initial IHA included vibratory installation of 48, 36-in steel pipe piles and 320, 24-in sheet piles. The renewal IHA includes nearly identical pile sizes (steel pipe and sheet) and identical installation methods to those described and included in the initial IHA.

A detailed description of the construction activities for which take is authorized here may be found in the **Federal Register** notice of proposed IHA for the 2019 authorization (84 FR 13252; April 4, 2019). As stated above, the location and nature of the pile driving operations, including the type and size of piles, and the methods of pile driving, are identical or nearly identical to those analyzed in the 2019 IHA.

Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA was published in the **Federal Register** on February 22, 2021 (86 FR 10545). During the 15-day public comment period, NMFS received comments from the Marine Mammal Commission (Commission) and a member of the general public. Specific comments and responses are provided below.

Comment 1: The Commission stated that NMFS has not met its basic renewal IHA issuance criteria based, in part, on the fact that the Navy did not submit a renewal request at least 60 days prior to the needed renewal authorization date.

Response: NMFS engaged in extensive communication with the Navy leading up to the Navy's request for a renewal

IHA, and so was prepared to process the request despite the fact that it was not received at least 60 days prior to the requested issuance date. Furthermore, while the Navy indicated when they would prefer to have the renewal effective date, they understood that the process typically takes 60 days to complete and that it may not be complete by that date—so the “needed renewal IHA effective date” was the one they requested or as soon thereafter as possible.

Comment 2: The Commission observed that the Navy based its analyses of the proposed activities on the assumption that construction would occur in the month of March, yet the comment period on the proposed renewal IHA did not close until March 6, 2021, thus limiting the number of available construction days in March.

Response: NMFS concurs that the Navy will not be able to complete the proposed construction activities in March, and has revised the construction timeframe to include the month of April. The number of days on which construction will occur remains the same. This change does not affect NMFS’ analysis or findings.

Comment 3: The Commission observed that the Navy’s request to increase the size of sheet piles from 24- to 27-in would increase the size of the Level A harassment zone from (1) 13.7 meters (m) to 25.4 m for high-frequency (HF) cetaceans and 5.6 m to 10.4 m for phocids during vibratory pile driving and (2) 1,763 m to 2,056 m for HF cetaceans and 792 m to 924 m for phocids during impact pile driving (see Table 6 at 84 FR 24485 and Table 2 at 86 FR 10548). The Commission identified that the increase in pile would increase the Level B harassment zone from 7.35 kilometers (km) (84 FR 24485) to 13.59 km (Table 2; 86 FR 10548) during vibratory pile driving and 1 km (Table 6; 84 FR 24485) to 2.5 km (Table 3; 86 FR 10548) during impact pile driving. In addition, the Commission noted that the harassment zones included in the renewal IHA have not been adjusted, despite being clipped by land.

Response: The Commission is correct, the Level A and Level B harassment zones have changed as noted, and the changes have been considered in the analysis. The clipped Level B harassment zones were considered in the renewal proposal and are noted in Table 2.

Comment 4: The Commission stated that the numbers of Level A harassment and Level B harassment takes of harbor seals and gray seals have been underestimated and are likely to cause

unnecessary delays and shutdowns. Specifically, the Commission noted that, although the Navy did not conduct monitoring in March or April 2020 (because no construction was occurring), a gray seal was observed during only 5 days of monitoring in March 2018 and 6 to more than 10 individual harbor seals were observed routinely in the immediate project area in April 2018, and that both species have been observed well within the Level A harassment zone of 924 m.

Response: In consideration of the monitoring data the Commission cites, as well as the more recent monitoring data collected by the Navy throughout the rest of the year, NMFS has increased the number of authorized takes for harbor seals and gray seals in the renewal IHA by applying the same methods used in the final initial IHA, which considers group size and the maximum number of each species sighted in a single day, resulting in the following increases in take: Harbor seals (Level A: 2 to 4; Level B: 29 to 124); gray seals (Level A: 0 to 1; Level B (3 to 31).

Comment 5: The Commission recommended reevaluating the potential for takes of harbor porpoises, harp seals, and hooded seals, which were proposed in the renewal as zero, despite non-zero densities in the Spring.

Response: NMFS concurs and has now applied the methods described in the initial IHA to the one month of work and included authorization of one Level A take and one Level B take for harbor porpoises, one Level B take for harp seals, and one Level B take for hooded seals.

Comment 6: The Commission observed that the mitigation and monitoring measures in the proposed renewal IHA do not wholly reflect those in the initial IHA.

Response: NMFS acknowledges this error and has made corrections in the renewal IHA.

Comment 7: The Commission observed that the Navy indicated in its preliminary monitoring report for the initial IHA that the presence of active construction equipment reduced the Protected Species Observers’s (PSO) ability to fully monitor the harassment zones from Berth 2 and, as a result, the Berth 2 observer location was shifted to a barge in September 1, 2020. The Commission stated that, because the extent to which the PSO’s ability to monitor effectively from May through August at Berth 2 is unknown, it is unclear whether the full extents of the harassment zones were monitored effectively and, if they were not, the degree to which extrapolation was both necessary and made. As such, the

Commission questioned whether the numbers of reported takes are accurate and within the authorized limits.

Response: NMFS acknowledges the Commission concern and the limitations of some of the Navy’s monitoring in the months to date, however, we disagree with any assertion that the take may have exceeded authorized limits. The Navy’s preliminary report indicated that, in May, the Level A harassment and Level B harassment zones were completely monitored during 100 percent of in-water construction activities (vibratory pile driving). In June, the only construction activity was approximately 6.5 hours (hrs) of vibratory pile driving, yet PSOs monitored the project area over 316 hrs over 14 days; despite this monitoring effort, no marine mammals were sighted in the project area. In July, approximately 750 hrs of monitoring (37.5 hrs of which overlapped with vibratory pile driving and drilling activities; no impact pile driving occurred in July) occurred over 22 days, during which only 6 harbor seals (and no other marine mammals) were observed. In August, PSOs monitored the project area for 1,000 hrs over 26 days, 84.5 hrs of which overlapped with construction activities, and during which 27 marine mammals sightings were recorded (25 harbor seals, and 2 sightings of an individual gray seal). The total number of marine mammals observations during the entire project (not limited to periods when in-water construction was occurring) was 721 harbor seals (or 658 unique individuals, excluding re-sightings), 47 gray seals (or 34 unique individuals, excluding re-sightings), and 1 harbor porpoise. There were no Level A harassment takes observed for any species, 167 Level B harassment takes for harbor seals, 8 Level B harassment takes for gray seals, and 1 Level B harassment take of an unidentified seal. However, even if every marine mammal observed throughout the entire construction project was considered taken Level B harassment, the Navy still would not have exceeded their take limit.

The largest Level A harassment zone for vibratory pile driving and drilling, the only construction activities that occurred in May through July, was only 56.5 m, and was likely fully observable by the PSOs positioned at Berths 2 and 11. Impact pile driving, with the largest associated Level A zones (HF: 1,763 m; phocids: 792 m), was not conducted until August, during which (as mentioned above) PSOs monitored for 1,000 hrs over 26 days, sighting only 27 marine mammals. It is unlikely that limitations in visibility experienced by

the observer at positioned at Berth 2 prevented detection of a number of marine mammals that would have surpassed the amount of authorized take. In addition, PSOs were only required to monitor two-thirds of the Level B harassment zone during all construction activities, an effort that was supported by up to three additional PSOs beyond the observer located at Berth 2.

Comment 8: The Commission noted deficiencies in the Navy's hydroacoustic monitoring reports (Appendices D and E of the initial IHA preliminary monitoring report). Specifically, the Commission observed that sound pressure level (SPL) measurements (in decibels (dB) re 1 micro Pascal (μ Pa)) in Appendix D were not reported as root-mean-square (rms), which is the appropriate metric and applies to means, medians, maxima, and minima. In addition, the Commission stated that for continuous, non-impulsive sound (e.g., drilling and vibratory pile driving), those SPLrms measurements are to be made over given intervals (i.e., 1-second intervals) and for impulsive sound (e.g., impact pile driving and percussive hammering of a down-the-hole hammer), those SPLrms measurements are to be based on single strikes, same as the sound exposure level and peak SPL measurements, and a 90-percent energy window. The Commission noted that neither Appendix contains all the required information.

Response: NMFS has contacted the Navy and emphasized the importance of following IHA requirements concerning hydroacoustic monitoring reports. The Appendices A and D referenced by the Commission are part of the Navy's preliminary hydroacoustic report for the initial IHA; corrections will be made in the final report.

Comment 9: The Commission recommended that NMFS deny the Navy's request to renew its incidental take authorization based on the fact that the criteria have not been met and the other deficiencies noted in their letter.

Response: NMFS does not concur with the Commission's assertions, and has not adopted their recommendation to deny the renewal.

The renewal conditions have been met for this renewal proposal. First, our response to Comment 2, above, addresses the issue the Commission raised regarding the receipt of the application 60 days before it is needed. Regarding the activity proposed, as described above, it is comprised of a small subset of the work covered in the original IHA, with minor changes to the sizes of two types of piles (one larger and one smaller), as well as the addition

of a temporary blast wall (installing piles one inch larger than that analyzed in the initial IHA), that do not affect the previous analysis, mitigation or monitoring, or take estimates, which are proportionally commensurate to the take authorized in the initial IHA, based on the one month of work covered. Regarding the preliminary monitoring report, as described in our response to Comment 7, the results do not indicate impacts of a scale or nature not previously analyzed or authorized. Last, upon review of the request for renewal, the status of the affected species or stocks, and the preliminary monitoring report, we have determined that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain nearly the same and appropriate, and the findings in the initial IHA remain valid. Further, the other "deficiencies" the Commission references in their letter have been addressed in our responses to the comments above.

Comment: The Commission recommended that NMFS refrain from implementing its proposed renewal process unless it is consistent with the procedural requirements specified in section 101(a)(5)(D) of the MMPA.

Response: In prior responses to comments about IHA renewals (e.g., 84 FR 52464; October 02, 2019 and 85 FR 53342; August 28, 2020), NMFS has explained how the renewal process, as implemented, is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA, provides additional efficiencies beyond the use of abbreviated notices, and, further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue implementing the renewal process.

Comment: Overall, the proposed plan by the Navy to modify and expand Dry Dock 1 is sufficient, as the plan includes using smaller installation pieces to increase efficiency of operations and maintenance of the dock. However, a deeper look into the current potential impacts on the local marine mammals and their habitat is needed. The plan uses mammal occurrence data from 2 years prior, and so might not accurately reflect the number of mammals in the area during the projected construction period. It also seems that proper precautionary actions might not be fully thought out, as work can continue in poor visibility situations as long as the work started in appropriate conditions, and only requires a break of 15 minutes after sighting a mammal within 10 m of the construction area. In order to lessen

the potential for harassment and takes of any present mammals, a more thorough approach to mammal observance and mitigation of potential risks in the form of longer stops and larger shutdown zones may help. It may also be important to mention how the modifications of the dock will improve dock operations and maintenance, as opposed to a plan of no action that leaves the dock as is.

Response: NMFS agrees that it is important to continue updating density estimates using the best available information, and will encourage the Navy to incorporate more recent observations into density estimates for species that occur in the vicinity of the Portsmouth Naval Shipyard.

NMFS authorizes takes of marine mammals as requested because mitigation measures are not expected to entirely prevent Level A harassment and Level B harassment of marine mammals. NMFS works with applicants to develop mitigation measures that are sufficiently protective of marine mammals that might be impacted by the project activities, but also practicable for the applicant to implement. For example, the shutdown distances in Table 2 were negotiated between NMFS and the Navy during the development of the 2019 IHA, providing mitigation of potential impacts to marine mammals close to the construction activity while also preventing an impracticable amount of shutdowns (thus facilitating the Navy's objectives). The interruption of pile installation can present potential safety concerns; therefore, the Navy requested the ability to continue construction activities should visibility deteriorate following pre-clearance and consistent monitoring of the area in good visibility. If a shutdown does occur, the Navy's ability to resume construction activity once the marine mammal has voluntarily left the shutdown zone or has not been sighted for 15 minutes assumes that, based on their relatively small size and associated lung capacity, the species likely to occur (i.e., phocids and harbor porpoises) would surface to breathe within that timeframe and would, therefore, be visible to PSOs.

Finally, because dimensional limitations currently impede operations and maintenance of Dry Dock 1, failure to complete the expansion and modification project would limit the Portsmouth Naval Shipyard's ability to service the Navy's Virginia class submarines.

Changes From the Proposed IHA to the Final IHA

NMFS has increased total take of harbor porpoises from 0 to 2, harbor

seals from 31 to 128, gray seals from 3 to 32, harp seals from 0 to 1, and hooded seals from 0 to 1. These changes are described in detail in the *Estimated Take* section. In addition, PSO locations have been specified (see Monitoring Requirements section).

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which take is authorized, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice for the proposed IHA for the 2019 authorization (84 FR 13252; April 4, 2019). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and has determined that there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the 2019 IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized may be found in the **Federal Register** notices for the proposed initial IHA (84 FR 13252; April 4, 2019). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that neither this nor any other new information affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the **Federal Register** notices for the initial IHA, including the proposed 2019 IHA (84 FR 13252; April 4, 2019) and final 2019 IHA (84 FR 24476; May 28, 2019). Marine mammal occurrence data applicable to this authorization remain unchanged from the previously issued

IHA. Similarly, the stocks taken, methods of estimating take, and types of take remain unchanged from the previously issued IHA, though minor changes in the take estimates have been made since the proposed renewal based on consideration of public comment. As mentioned previously, due to the use of slightly different pile sizes, the source levels included in renewal IHA (Table 1) are nearly identical, rather than identical, to those analyzed in the 2019 IHA and included in the initial IHA. In addition, the number of construction days and piles in the renewal IHA (Tables 2 and 3) are fewer than those included in the initial IHA. Finally, the maximum ensonified area (after adjusting for interception by land and existing structures), or Region of Influence (ROI), is smaller (0.418 km²) than that analyzed in the initial IHA (0.854 km², also adjusted for interception by land and existing structures at that time) because completed construction (e.g., southern closure wall and majority of the caisson seat foundation) created additional barriers to sound produced by construction activities.

TABLE 1—SUMMARY OF IN-WATER PILE DRIVING SOURCE LEVELS (SL) AT 10 m FROM SOURCE

Pile type and size inch (in)	Installation method	SPL _{pk} , dB re 1 μPa	SPL _{rms} , dB re 1 μPa	SEL, dB re 1 μPa ² -s
30-in steel pipe ¹	Vibratory	NA	167 (175)	167 (175)
27-in sheet pile ²	Vibratory	NA	167 (163)	167 (163)
27-in sheet pile ³	Impact	211 (205)	196 (190)	181 (180)
25-in sheet pile ²	Vibratory	NA	163 (163)	163 (163)

SPL_{pk}, dB re 1 μPa = peak sound pressure level referenced to 1 micropascal; SPL_{rms} = root mean square sound pressure level referenced to 1 micropascal; SEL = sound exposure level referenced to 1 micropascal-squared-second; values from 2019 IHA in parentheses: ¹ Vibratory installation of 36 in steel pile; ² vibratory installation of 24 in sheet pile; ³ impact installation of 24 in sheet pile.

Table 2 includes information for both the subset of activities using vibratory pile driving the Navy did not complete

before the initial IHA expired (e.g., completion of the caisson seat foundation and installation of the guide

dolphins for the caisson seat float-in structure) as well as the new activity, construction of a temporary blast wall.

TABLE 2—DISTANCES AND AREAS OF HARASSMENT ZONES, AND ASSOCIATED CONSTRUCTION ACTIVITIES FOR VIBRATORY PILE DRIVING

Section	Pile size (inch (in)) and count	Total pile driving days	Level A harassment injury (PTS onset)		Level B harassment behavioral disturbance
			High-Frequency cetaceans 173 dB SEL _{cum} ¹ threshold radial distance/area	Phocid pinnipeds 201 dB SEL _{cum} threshold radial distance/area	All marine mammals 120 dB RMS threshold radial distance/ROI *
Caisson seat foundation.	27-in steel sheet (20)	2	25.4 m/0.001746 km ²	10.4 m/0.000338 km ²	13,594 m/0.418 km ²
Guide dolphins for caisson float-in.	30-in steel pipe (12)	12	4.8 m/0.000072 km ²	2.0 m/0.000012 km ²	13,594 m/0.418 km ²
Temporary blast wall	30-in steel pipe (15)	8	7.7 m/0.000185 km ²	3.2 m/0.000032 km ²	13,594 m/0.418 km ²
Temporary blast wall	25-in steel sheet (70)	7	22.5 m/0.001378 km ²	9.2 m/0.000264 km ²	13,594 m/0.418 km ²

* Region of influence (ROI); potentially ensonified area capped due to landmass and existing Dry Dock 1 structural interception of noise.

¹SEL_{cum} = cumulative sound exposure level.

Table 3 provides information for impact driving of sheet piles required to complete construction of the caisson seat foundation.

TABLE 3—DISTANCES AND AREAS OF HARASSMENT ZONES, AND ASSOCIATED CONSTRUCTION ACTIVITIES FOR IMPACT PILE DRIVING

Section	Pile size (inch(in)) and count	Total pile driving days	Level A harassment injury (PTS onset)		Level B harassment behavioral disturbance
			High-frequency cetaceans 155 dB SEL _{cum} ¹ threshold	Phocid pinnipeds (seals) 185 dB SEL _{cum} threshold	All marine mammals 160 dB RMS threshold radial distance/ROI *
Caisson seat foundation.	27-in steel sheet (20)	2	2,055.5 m/0.418 km ²	923.5 m/0.401 km ²	2,512 m/0.418 km ²

* Region of influence (ROI); potentially ensnified area capped due to landmass and existing Dry Dock 1 structural interception of noise.

¹ SEL_{cum} = cumulative sound exposure level.

Takes estimated in the renewal request were zero for three of the five species included in the 2019 and initial IHAs (harbor porpoise, hooded seal, and harp seal). For the other two species, the number of estimated takes were as follows: Harbor seals, 2 Level A harassment takes, 29 Level B harassment takes; gray seals, 0 Level A harassment takes, 3 Level B harassment takes. However, in consideration of a comment from the Commission, NMFS has determined that it is appropriate to increase the number of harbor seal and gray seal takes. Accordingly, the same methods utilized in the initial IHA (based on consideration of group size,

and the maximum number of sightings in a single day for each species under the initial IHA times the number of construction days (31)) have been used to estimate the Level B harassment take that will result from one month of construction activity. Because monitoring did not occur in March or April 2020 (when no construction was occurring), the maximum number of sightings in a single day for each species (harbor seals: 4; gray seals: 1) is based on observations from May 2020. In addition, Level A harassment take for both harbor seals and gray seals has been increased to correspond to the maximum number sightings in a single

day in May 2020. NMFS has also authorized one Level B harassment take for both harp seals and hooded seals (per Commission's recommendation in initial IHA to include one take per month per species during timeframe in which they might be expected in the project area). Finally, one Level A harassment and one Level B harassment take are authorized for harbor porpoises, compared to a total of 5 Level A harassment and 12 Level B harassment takes authorized for the entire year of construction activities under the initial IHA.

TABLE 4—AUTHORIZED TAKE BY LEVEL A HARASSMENT AND LEVEL B HARASSMENT

Species	Stock	Abundance of stock	Take by Level A harassment	Take by Level B harassment	Total takes	Percentage of stock potentially affected
Harbor porpoise	Gulf of Maine/Bay of Fundy.	95,543	1	1	2	0.00
Harbor seal	W North Atlantic	75,834	4	124	128	0.17
Gray seal	W North Atlantic	127,131	1	31	32	0.00
Harp seal	W North Atlantic	Unknown	0	1	1	0.00
Hooded seal	W North Atlantic	Unknown	0	1	1	0.00

¹ NMFS stock abundance estimate applies to U.S. population only, actual stock abundance is approximately 505,000.

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in this authorization are nearly identical to those included in the **Federal Register** notice announcing the issuance of the 2019 IHA (84 FR 24476; May 28, 2019) and initial IHA (84 FR 67261; December 9, 2019), and the discussion of the least practicable adverse impact included in that document remains accurate. The following measures will apply to the Navy's mitigation requirements.

Mitigation Requirements

In summary, mitigation includes implementation of shutdown procedures if any marine mammal approaches or enters the shutdown zone for pile driving (10 m (33 feet (ft)) for vibratory pile driving of steel pipe and sheet piles; 50 m (164 ft) for impact driving of steel pipe and sheet piles). For in-water heavy machinery work other than pile driving (e.g., standard barges, barge-mounted cranes, excavators, etc.), if a marine mammal comes within 10 m, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions. Trained observers must monitor to

implement shutdowns and collect information at each active pile driving location (whether vibratory or impact driving of steel pipe or sheet piles).

Pile driving activities will only be conducted during daylight hours. If the shutdown zone is obscured by fog or poor lighting conditions, pile driving will not be initiated until the entire shutdown zone is visible. Work that has been initiated appropriately in conditions of good visibility may continue during poor visibility. The shutdown zone will be monitored for 30 minutes prior to initiating the start of pile driving, during the activity, and for 30 minutes after activities have ceased. If marine mammals are present within

the shutdown zone prior to pile driving, the start will be delayed until the animals leave the shutdown zone of their own volition, or until 15 minutes elapse without re-sighting the animal(s).

Soft start procedures must be implemented at the start of each day's impact pile driving and at any time following cessation of impact driving for a period of 30 minutes or longer. The Navy must conduct an initial set of three strikes from the impact hammer at reduced energy, followed by a 30-second waiting period, succeeded by two subsequent three strike sets.

Monitoring Requirements

The Navy will employ trained PSOs to conduct marine mammal monitoring for its Portsmouth Naval Shipyard modification and expansion project. The purposes of marine mammal monitoring are to implement mitigation measures and learn more about impacts to marine mammals from the Navy's construction activities. The PSOs will be located at the best vantage points to observe and collect data on marine mammals in and around the project area. Because construction of the south closure wall is complete (reducing the size and changing the shape of the ensonified area), potential PSO monitoring locations have been revised from the initial IHA to include the following: Berth 2 Operations Barge, Berth 12, Steamship, Prescott Park, Four Tree Island, and Peirce Island. PSOs will monitor the entire ROI (0.418 km²) for 30 minutes before, during, and after all pile installation work. In addition, PSOs will record sightings at any distance from the construction activity, which may extend beyond the ROI.

Reporting Requirements

The Navy must provide NMFS with a draft monitoring report within 90 calendar days of the expiration of the IHA, or within conclusion of the construction work, whichever comes first. This report must detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed. If comments are received from NMFS on the draft report within 30 days, a final report shall be submitted to NMFS within 30 days thereafter. If no comments are received from NMFS within 30 days after receipt of the draft report, the draft report will be considered final.

In the unanticipated event that the construction activities clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an injury, serious injury, or mortality

(Level A take), the Navy shall immediately cease all operations and immediately report the incident to the NMFS Office of Protected Resources and the NMFS Greater Atlantic Coast Region Stranding Coordinator. The report must include the following information:

1. Time, date, and location (latitude and longitude) of the incident;
2. Description of the incident;
3. Status of all sound sources used in the 24 hours preceding the incident;
4. Environmental conditions (wind speed, wind direction, sea state, cloud cover, visibility, water depth);
5. Description of the marine mammal observations in the 24 hours preceding the incident;
6. Species identification or description of the animal(s) involved;
7. The fate of the animal(s); and
8. Photographs or video footage of the animal(s), if equipment is available.

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with the Navy to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Navy may not resume their activities until notified by NMFS via letter, email, or telephone.

In the event that the Navy discovers an injured or dead marine mammal, and the marine mammal observer determines that the cause of injury or death is unknown and the death is relatively recent (less than a moderate state of decomposition), the Navy will immediately report the incident to the NMFS Office of Protected Resources, and the NMFS Greater Atlantic Coast Region Stranding Coordinator. The report must include the same information identified above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with the Navy to determine whether modifications in the activities are appropriate.

In the event that the Navy discovers an injured or dead marine mammal, and the marine mammal observer determines that the injury or death is not associated with or related to the activities authorized in the IHA (previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the Navy shall report the incident to the NMFS Office of Protected Resources, and the NMFS Greater Atlantic Coast Region Stranding Coordinator within 24 hours of the discovery. The Navy shall provide photographs or video footage (if available) or other documentation of the stranded animal(s) to NMFS Office of Protected Resources, and the NMFS

Greater Atlantic Coast Region Stranding Coordinator. The Navy may continue its operations under such a case.

Determinations

The construction activities included in the renewal IHA are identical or nearly identical to those analyzed in the initial IHA, as are the method of taking and the effects of the action (though the amount of authorized take under the renewal IHA is notably lower). The potential effects of the Navy's activities are limited to Level A harassment and Level B harassment in the form of auditory injury and behavioral disturbance. In analyzing the effects of the activities in the 2019 IHA, NMFS determined that the Navy's activities would have a negligible impact on the affected species or stocks and that the authorized take numbers of each species or stock were small relative to the relevant stocks (e.g., less than one percent of all stocks). The mitigation measures and monitoring and reporting requirements as described above are nearly identical to the initial IHA, with modifications to PSO monitoring locations relative to the initial IHA.

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will affect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) the Navy's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take

for endangered or threatened species. No incidental take of ESA-listed marine mammal species is expected to result from this activity, and none are authorized. Therefore, NMFS determined that consultation under section 7 of the ESA was not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Authorization

As a result of these determinations, NMFS has issued a renewal IHA to the Navy for the taking of marine mammals incidental to modification and expansion of Portsmouth Naval Shipyard Dry Dock 1 from the date of issuance through February 27, 2022, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. The IHA can be found at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>.

Dated: March 12, 2021.

Donna S. Wieting,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2021-05515 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA945]

North Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of webconference.

SUMMARY: The North Pacific Fishery Management Council (NPFMC) Enforcement Committee will meet March 31, 2021.

DATES: The meeting will be held on Wednesday, March 31, 2021 from 1 p.m. to 3 p.m., Alaska time.

ADDRESSES: The meeting will be a webconference. Join online through the link at <https://meetings.npfmc.org/Meeting/Details/1965>.

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Anchorage, Alaska 99501-2252; telephone (907) 271-2809. Instructions for attending the meeting are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Jon McCracken, Council staff; phone; (907) 271-2809 and email: jon.mccracken@noaa.gov. For technical support please contact administrative Council staff, email: npfmc.admin@noaa.gov.

SUPPLEMENTARY INFORMATION:

Agenda

Wednesday, March 31, 2021

The Enforcement Committee will review Council agenda item D3 RQE funding mechanism discussion paper. The paper examines a mechanism for the RQE to fund the purchase of halibut quota share be selling halibut stamps to charter operators. The agenda is subject to change, and the latest version will be posted at <https://meetings.npfmc.org/Meeting/Details/1965> prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone; or by phone only. Connection information will be posted online at: <https://meetings.npfmc.org/Meeting/Details/1965>.

Public Comment

Public comment letters will be accepted and should be submitted electronically to <https://>

meetings.npfmc.org/Meeting/Details/1965.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 12, 2021.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021-05538 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA885]

Atlantic Coastal Fisheries Cooperative Management Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Greater Atlantic Region, NMFS, has made a preliminary determination that an Exempted Fishing Permit renewal application from the Atlantic Offshore Lobstermen's Association contains all of the required information and warrants further consideration. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act and the Atlantic Coastal Fisheries Cooperative Management Act require publication of this notice to provide interested parties the opportunity to comment on applications for proposed Exempted Fishing Permits.

DATES: Comments must be received on or before April 1, 2021.

ADDRESSES: You may submit written comments by any of the following methods:

- *Email:* NMFS.GAR.EFP@noaa.gov. Include in the subject line "Comments on AOLA Larval Lobster EFP." If you cannot submit a comment through this method, please contact Allison Murphy at (978) 281-9122, or email at allison.murphy@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Allison Murphy, Fishery Policy Analyst, 978-281-9122, allison.murphy@noaa.gov.

SUPPLEMENTARY INFORMATION: The Atlantic Offshore Lobstermen's Association (AOLA) submitted a complete application requesting Exempted Fishing Permit (EFP) on

February 12, 2021, to conduct fishing activities that the regulations would otherwise restrict. The EFP would authorize one vessel to conduct larval sampling in Lobster Conservation Management Area 3. A map of this area is available at: <https://www.fisheries.noaa.gov/resource/map/lobster-management-areas>.

The study would provide information on the spatial and temporal distribution and abundance of early and late stage American lobster larvae and their likely zooplankton prey to investigate factors affecting recruitment in the Gulf of Maine and Georges Bank stock area.

Funding for this research has been awarded under a National Sea Grant Lobster Initiative grant (NA20OAR4170505). For this project, AOLA is requesting exemptions from the following Federal lobster regulations:

1. Lobster gear prohibitions in 50 CFR 697.7(c)(1)(xxii) to allow for the use of multiple gear types capable of catching lobsters;
2. Lobster possession restrictions in § 697.17(a) to allow the harvest of lobster above the non-trap limit; and
3. Lobster possession restrictions in § 697.20(a) to allow for the collection of larval lobsters below the minimum size.

If the EFP is approved, this study would hire one federally-permitted lobster vessel to conduct a single day of lobster larval sampling on 14 multi-day (5–10 day) commercial fishing trips, spanning from the first week in June through the last week in September. When sampling, the vessel crew would conduct three replicate neuston tows for lobster larvae and record physical parameters. Samples from the nets will be preserved in ethanol, bottled, landed, and mailed to the principal investigator. Legal lobsters from the commercial portion of the trip will be landed and sold.

If approved, AOLA may request minor modifications and extensions to the EFP throughout the study period. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request. Any fishing activity conducted outside the scope of the exempted fishing activity would be prohibited.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 12, 2021.

Jennifer M. Wallace,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021-05510 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA903]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Parallel Thimble Shoal Tunnel Project in Virginia Beach, Virginia

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of Renewal incidental harassment authorization (IHA).

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued a Renewal incidental harassment authorization (IHA) to the Chesapeake Tunnel Joint Venture (CTJV) to incidentally harass marine mammals incidental to the Parallel Thimble Shoal Tunnel Project (PTST) in Virginia Beach, Virginia.

DATES: This Renewal IHA is valid from March 10, 2021, through March 9, 2022.

FOR FURTHER INFORMATION CONTACT: Ben Laws, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the original application, Renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities. In case of problems accessing these documents, please call the contact listed above.

SUPPLEMENTARY INFORMATION:

Background

The Marine Mammal Protection Act (MMPA) prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the

incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, an incidental harassment authorization is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). Monitoring and reporting of such takings are also required. The meaning of key terms such as “take,” “harassment,” and “negligible impact” can be found in section 3 of the MMPA (16 U.S.C. 1362) and the agency’s regulations at 50 CFR 216.103.

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed one year for each reauthorization. In the notice of proposed IHA for the initial authorization, NMFS described the circumstances under which we would consider issuing a Renewal for this activity, and requested public comment on a potential Renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time, one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Description of the Specified Activities and Anticipated Impacts section of this notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of this notice would not be completed by the time the initial IHA expires and a Renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date

cannot extend beyond one year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed Renewal. A description of the Renewal process may be found on our website at: www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals.

History of Request

On March 10, 2020, NMFS issued an IHA to CTJV to take marine mammals incidental to the PTST in Virginia Beach, Virginia (85 FR 16061), effective from March 10, 2020, through March 9, 2021. On December 15, 2020, NMFS received an application for the Renewal of that initial IHA. As described in the application for Renewal, the activities for which incidental take is requested are identical to, and consist of a subset of, those covered in the initial authorization. As required, the applicant also provided a preliminary monitoring report (available online at www.fisheries.noaa.gov/action/incidental-take-authorization-chesapeake-tunnel-joint-venture-parallel-thimble-shoal-0) which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have

occurred as a result of the activities conducted.

Description of the Specified Activities and Anticipated Impacts

CTJV's planned activities include construction associated with the PTST project. Specifically, the location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the initial IHA. The project consists of the construction of a two-lane parallel tunnel to the west of the existing Thimble Shoal Tunnel, connecting Portal Island Nos. 1 and 2 of the CBBT facility which extends across the mouth of the Chesapeake Bay near Virginia Beach, Virginia. The PTST project will address existing constraints to regional mobility based on current traffic volume along the facility. Planned construction associated with the initial IHA included the driving of 812 piles over 198 days as shown below:

- 180 12-inch timber piles
- 74 36-inch steel pipe piles
- 500 36-inch interlocked pipes
- 58 42-inch steel casings

Of these planned activities, under the initial IHA CTJV installed a total of 76 36-inch pipe piles and installed and removed 58 42-inch steel casings over approximately 64 construction days. Additionally, 52 36-inch interlocking pipe piles have been eliminated from the construction plan. This is due to a design change which increased the elevation of stone placement on the West berm on Portal Island 1, decreasing the number of piles being installed below Mean High Water (MHW). Remaining piles will be installed using impact driving, vibratory driving and drilling with down-the-hole (DTH) hammers. Some piles will be removed via vibratory hammer. Accounting for work conducted under the initial IHA and the planned design change resulting in a reduction in total piles, CTJV plans to drive 684 piles over an estimated 140 days under this Renewal IHA.

Similarly, the anticipated impacts are identical to those described in the initial IHA. NMFS anticipates the take of the same five species of marine mammal (harbor seal, gray seal, bottlenose dolphin, harbor porpoise, and humpback whale) by Level A and Level B harassment incidental to underwater noise resulting from construction associated with the planned activities. For additional detail, please see the **Federal Register** notice of proposed Renewal IHA (86 FR 8594; February 8, 2021).

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which take is authorized, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice for the proposed IHA for the initial authorization (84 FR 64847; November 25, 2019). Updated information regarding stock abundance was provided in the **Federal Register** notice announcing issuance of the initial IHA (85 FR 16061; March 20, 2020). NMFS has reviewed recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events (UME), and other scientific literature. The draft 2020 Stock Assessment Report states that estimated abundance has increased for the Gulf of Maine stock of humpback whales, from 1,380 (CV = 0) to 1,393 (CV = 0.15). NMFS has determined that neither this nor any other new information affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities sections contained in the supporting documents for the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized may be found in the **Federal Register** notice for the proposed initial IHA (84 FR 64847; November 25, 2019). NMFS has reviewed recent draft Stock Assessment Reports, information on relevant UMES, and other scientific literature, and determined that neither this nor any other new information affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the **Federal Register** notices for the proposed and final initial IHAs (84 FR 64847; November 25, 2019 and 85 FR 16061; March 20, 2020). The source levels and marine mammal occurrence data applicable to this authorization remain unchanged from the initial IHA. CTJV conducted approximately 64 days of the planned work and has eliminated a small number of originally planned piles, reducing the approximate total number of operational days for this Renewal IHA. However, a commenter highlighted a change in the analytical

method NMFS now uses specifically to assess the impacts of DTH pile installation that would result in a larger Level B harassment zone when those activities are conducted. Therefore, because the take numbers developed for most species for which take is authorized involve qualitative elements, because the reduction in total days of

work may not result in a substantive decrease in the take number for bottlenose dolphin due to the potentially larger Level B harassment zone under the alternative DTH approach, and because the monitoring results do not suggest take higher than that initially authorized even in consideration of the potentially larger

Level B harassment zones (all of which is discussed below in the Comments and Responses section), we carry forward the take numbers unchanged for this Renewal IHA. The stocks taken, methods of take, and types of take remain unchanged from the initial IHA, as do the number of takes, which are indicated below in Table 1.

TABLE 1—AUTHORIZED TAKE AND PROPORTION OF POPULATION POTENTIALLY AFFECTED

Species	Stock	Level A takes	Level B takes	Percentage of stock
Humpback whale	Gulf of Maine	—	12	0.9
Harbor porpoise	Gulf of Maine/Bay of Fundy	5	7	<0.01
Bottlenose dolphin	WNA Coastal, Northern Migratory	142	14,095	<33
	WNA Coastal, Southern Migratory	142	14,095	<33
	NNCES	2	198	24
Harbor seal	Western North Atlantic	1,296	2,124	4.5
Gray seal	Western North Atlantic	1	3	<0.01

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (85 FR 16061; March 20, 2020), and the discussion of the least practicable adverse impact included in that document remains accurate. Further detail regarding the mitigation, monitoring, and reporting requirements prescribed through the IHA can be found in the notice of issuance for the initial IHA (85 FR 16061; March 20, 2020). The following measures are included in this renewal:

Mitigation Requirements

In summary, mitigation includes implementation of shutdown procedures if any marine mammal approaches or enters the established shutdown zones. Shutdown zones for species authorized for take during pile driving are as follows: 100 meters (m) for harbor porpoise and bottlenose dolphin; 15 m for harbor seal and gray seal. For humpback whale, shutdown distances during pile driving correspond with the estimated Level A harassment zones. For in-water heavy machinery work other than pile driving, if a marine mammal comes within 10 m, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions. One trained observer must monitor to implement shutdowns and collect information at each active pile driving location (whether vibratory or impact driving of steel or concrete piles).

Soft start procedures must be implemented at the start of each day's impact pile driving and at any time following cessation of impact driving for a period of 30 minutes or longer. Use of an air bubble curtain system will be implemented by the CTJV during impact driving of 36-inch steel piles except in water less than 10 feet (3.3 m) in depth.

Monitoring Requirements

The CTJV will be required to station between two and four Protected Species Observers (PSOs) at locations offering the best available views of the monitoring zones. At least two PSOs will be required to monitor before, during, and after the pile-driving and -removal activities. At least one PSO must be located in close proximity to each pile driving rig during active operation of single or multiple, concurrent driving devices. At least one additional PSO is required at each active driving rig or other location providing the best possible view if the Level B harassment zone and shutdown zones cannot reasonably be observed by one PSO.

Reporting Requirements

A draft report will be submitted to NMFS within 90 days of the completion of marine mammal monitoring, or 60 days prior to the requested date of issuance of any future IHA for projects at the same location, whichever comes first. The report will include marine mammal observations pre-activity, during-activity, and post-activity during pile driving days (and associated PSO data sheets), and will also provide descriptions of any behavioral responses to construction activities by marine mammals and a complete description of all mitigation shutdowns and the results

of those actions and an extrapolated total take estimate based on the number of marine mammals observed during the course of construction.

Comments and Responses

A notice of NMFS' proposal to issue a Renewal IHA to CTJV was published in the **Federal Register** on February 8, 2021 (86 FR 8594). That notice either described, or referenced descriptions of, the applicant's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and proposed mitigation, monitoring, and reporting measures. NMFS received comment letters from the Marine Mammal Commission (Commission), Center for Biological Diversity (CBD), and a private citizen. The private citizen expressed general concern regarding ecological effects of the activity and, in particular, potential effects of the activity to fish. We acknowledge the comments and refer the commenter to the notice of proposed IHA for the initial IHA (84 FR 64847), which addresses in detail the potential effects of the activity on marine mammals, including to marine mammal habitat (including prey species such as fish). A summary of the comments and our responses are provided below, and the comment letters are available online at www.fisheries.noaa.gov/action/incidental-take-authorization-chesapeake-tunnel-joint-venture-parallel-thimble-shoal-0.

Comment: The Commission recommended that NMFS deny CTJV's request to renew its incidental harassment authorization. The Commission bases its recommendation

on its assessment that certain Level B harassment zones were underestimated in the initial IHA.

Response: NMFS does not agree with the Commission's recommendation, and does not adopt it. The Commission correctly points out that NMFS' practice with regard to analysis of sound output from DTH pile installation has changed during the interval between issuance of the initial IHA to CTJV and NMFS' receipt of CTJV's request for renewal of that IHA. DTH is an installation technique that is poorly understood from the perspective of sound output characteristics. In this context of data scarcity, NMFS historically considered DTH installation to be a non-impulsive sound source, as it was believed to be essentially a drilling technique. With the availability of some of the first acoustic monitoring data for the DTH technique, NMFS determined that it would be more appropriate to treat DTH as an impulsive sound source, due to the percussive hammering element of the technique, and analyzed the potential effects of marine mammal exposure to noise produced through use of the DTH technique accordingly. This was the approach taken in evaluating the effects of DTH in support of issuance of the initial IHA (85 FR 16061). As additional acoustic monitoring data became available, NMFS evaluated that the DTH technique produces sound with both impulsive and continuous characteristics. Therefore, as referenced by the Commission, NMFS began in 2020 its current practice of treating DTH pile installation as both impulsive (more conservative for the purposes of evaluating Level A harassment) and continuous (more conservative for the purposes of evaluating Level B harassment). NMFS has adopted this approach in the context of significant uncertainty regarding DTH installation source characteristics because it is the most precautionary approach, recognizing that it likely overestimates potential take of marine mammals. This approach ensures that the largest potential ranges to effect for both Level A and Level B harassment are accounted for in producing a conservative effects analysis.

To reiterate, NMFS has adopted the aforementioned approach on an interim basis in a context of significant uncertainty. Work is ongoing to better understand DTH pile installation and to develop tools to facilitate impact assessments for this activity. However, the apparent certitude with which the Commission treats this topic in making their recommendation is misplaced. NMFS does not agree that the actual

Level B harassment zones are likely to be as large as asserted by the Commission. Although NMFS would indeed treat a new application involving DTH pile installation according to the newer, more precautionary analytical approach, it is not inappropriate to carry forward the existing analysis from the initial IHA in support of this renewal.

The purpose of estimating harassment zones is to inform both the development of appropriate numbers of take for authorization and of mitigation and monitoring requirements. Concerns regarding the adequacy of authorized take numbers and of mitigation and monitoring requirements apply in this circumstance only to Level B harassment, as treatment of the source as impulsive results in the same approach to evaluating potential Level A harassment as would be used under the newer method. The initial IHA authorized take for five marine mammal species. Of these five, a density-based approach, in which a density value is applied over some area (*i.e.*, the estimated harassment zone), was taken for only one species. While the size of the harassment zone is one consideration in estimating a potential take number when use of a density value is not possible or is inappropriate, it is not determinative of the take number. Therefore, for the humpback whale, harbor porpoise, harbor seal, and gray seal, NMFS has reviewed all of the applicable information, including that used in lieu of density in determining the take number, and found that it remains appropriate. We note that no individuals of these four species, with the exception of a lone humpback whale observed outside of the estimated harassment zone, were observed during required monitoring under the initial IHA.

For bottlenose dolphins, a density-based approach was used in estimating the take number for authorization. Therefore, the size of the harassment zone may be influential on the take number. However, the initial IHA authorized 28,388 incidents of take for bottlenose dolphin, while CTJV reported having observed only 100 dolphins despite completing roughly one-third of the previously planned activity days. Preliminary monitoring data shows marine mammal detections reported from as much as 2.1 km distant from the PSO location, indicating that PSOs were not limiting their observational effort to the estimated Level B harassment zones. In NMFS' judgment, the difference between authorized take and actual dolphin detections indicates that the analysis performed in support of the initial IHA likely overestimated the

potential effects of the specified activity on bottlenose dolphin, potential underestimation of certain Level B harassment zones notwithstanding. The authorized take number for bottlenose dolphin provided in the initial IHA is sufficient to provide an adequate basis for analysis of both negligible impact and small numbers and, therefore, the findings made in support of the initial IHA remain valid.

Prescription of appropriate mitigation and monitoring requirements are at NMFS' discretion, within the bounds of the MMPA's requirement to prescribe the means of effecting the "least practicable adverse impact" on the species or stock and its habitat. The Commission's assertion that potential underestimation of certain Level B harassment zones results in application of "inappropriate" monitoring measures, or monitoring measures that are inconsistent with other similar IHAs, is unfounded. The IHA includes requirements to establish monitoring locations and to report, among other things, "[t]he number of marine mammals observed, by species, relative to the pile location . . ." CTJV is required to report observations of marine mammals at any distance from the pile driving activity in conjunction with behavioral observations and, therefore, the prescribed monitoring is appropriate regardless of the estimated harassment zone size. The existing monitoring requirements do not constrain or provide inappropriate direction to the applicant or PSO team, and NMFS expects that the information required to be reported will be sufficient to enable an evaluation of whether the authorized taking is having more than a negligible impact on the affected species or stocks.

In making its recommendations, the Commission sets up a false dichotomy between increased efficiency—*i.e.*, issuance of the requested renewal IHA in support of the continuation of a critical infrastructure project—and the protection of marine mammals afforded by the MMPA. As demonstrated herein, both the mandatory satisfaction of statutory requirements and the objective of increased efficiency are appropriately accomplished through issuance of the requested renewal IHA. The criteria for renewal are clearly met, as (1) the request was received in a timely fashion; (2) the activities to be conducted under the authorization renewal are identical to the activities analyzed under the initial IHA; and (3) the preliminary monitoring report does not indicate impacts of a scale or nature not previously analyzed or authorized. Moreover, satisfaction of these criteria

and review of other pertinent information, including available information regarding DTH pile installation, indicates that there are no more than minor changes in the activities, that the mitigation and monitoring measures remain the same and appropriate, and that the findings in the initial authorization remain valid. As such, it is appropriate to issue the renewal IHA.

Comment: The CBD commented that NMFS should not approve the requested renewal IHA unless NMFS ensures that this and other projects and activities in the area will in aggregate have a negligible impact on marine mammal populations. CBD suggests in particular that the issuance of concurrent incidental take authorizations for two separate construction projects would increase the likelihood of injurious vessel interactions for humpback whales. CBD also states its opposition to the use of a categorical exclusion under NEPA.

Response: NMFS does not agree with CBD's comments. We first address the notion that, under the MMPA, the "aggregate" effects of multiple activities must be evaluated in making a finding of negligible impact in support of issuance of a particular incidental take authorization. Neither the MMPA nor NMFS' codified implementing regulations call for consideration of other unrelated activities and their impacts on populations. The preamble for NMFS' implementing regulations (54 FR 40338; September 29, 1989) states in response to comments that the impacts from other past and ongoing anthropogenic activities are to be incorporated into the negligible impact analysis via their impacts on the baseline. Consistent with that direction, NMFS has factored into its negligible impact analysis the impacts of other past and ongoing anthropogenic activities via their impacts on the baseline, *e.g.*, as reflected in the density/distribution and status of the species, population size and growth rate, and other relevant stressors. The 1989 final rule for the MMPA implementing regulations also addressed public comments regarding cumulative effects from future, unrelated activities. There NMFS stated that such effects are not considered in making findings under section 101(a)(5) concerning negligible impact. In this case, both this renewal IHA as well as the IHA currently in effect and issued in association with the Hampton Roads Bridge Tunnel (HRBT) Expansion Project in Norfolk, Virginia, are appropriately considered an unrelated activity relative to the other. The IHAs are unrelated in the sense that

they are discrete actions under section 101(a)(5)(D), issued to discrete applicants.

Section 101(a)(5)(D) of the MMPA requires NMFS to make a determination that the take incidental to a "specified activity" will have a negligible impact on the affected species or stocks of marine mammals. NMFS' implementing regulations require applicants to include in their request a detailed description of the specified activity or class of activities that can be expected to result in incidental taking of marine mammals. 50 CFR 216.104(a)(1). Thus, the "specified activity" for which incidental take coverage is being sought under section 101(a)(5)(D) is generally defined and described by the applicant. Here, CTJV was the applicant for the initial IHA (as well as this renewal), and we are responding to the specified activity as described in that application (and making the necessary findings on that basis).

Regarding the specific issue of concern in CBD's comments, we acknowledge CBD's concern regarding the ongoing UME involving humpback whales, and that a portion of the whales involved in the UME have shown evidence of pre-mortem vessel strike. However, CBD does not offer any evidence that the specified activity here (the PTST project) is likely to result in a vessel strike of a humpback whale, or that the two projects in aggregate (the separate PTST and HRBT projects) would in aggregate result in increased likelihood of vessel strike. Typical marine construction projects involve use of slow-moving vessels, such as tugs towing or pushing barges, or smaller work boats maneuvering in the vicinity of the construction project. These vessel types are not typically associated with vessel strikes resulting in injury or mortality. We acknowledge the data presented by CBD (24 humpback whale strandings in Virginia over 5 years; these represent approximately 16 percent of total humpback whale strandings over the 5-year period), but posit that vessel strike incidents in the area are most likely caused by commercial traffic through the Hampton Roads. For example, during 2018–2019, a significant majority of total vessels exceeding 65 m in length transiting through the Chesapeake Seasonal Management Area (a management area within which speeds for vessels > 65 m in length are to be reduced at certain times of year to reduce strikes of North Atlantic right whales) was by commercial cargo vessels (*e.g.*, container vessels, tankers, bulk cargo; NMFS, 2020). In summary, it is extremely unlikely that construction project-

related vessel traffic would result in a marine mammal strike and CBD provides no evidence to the contrary.

Although there is no evidence to suggest that vessel strike would occur as a result of the specified activity, the UME is a relevant consideration in making a negligible impact determination. We discussed the UME and its effects in the notice of proposed IHA for the initial IHA, and expand that discussion here in response to CBD's comments. The UME does not yet provide cause for concern regarding population-level impacts for humpback whales. Despite the UME, the relevant population of humpback whales (the West Indies breeding population, or distinct population segment (DPS)) remains healthy. Prior to 2016, humpback whales were listed under the ESA as an endangered species worldwide. Following a 2015 global status review (Bettridge *et al.*, 2015), NMFS established 14 DPSs with different listing statuses (81 FR 62259; September 8, 2016) pursuant to the ESA. The West Indies DPS, which consists of the whales whose breeding range includes the Atlantic margin of the Antilles from Cuba to northern Venezuela, and whose feeding range primarily includes the Gulf of Maine, eastern Canada, and western Greenland, was delisted. The status review identified harmful algal blooms, vessel collisions, and fishing gear entanglements as relevant threats for this DPS, but noted that all other threats are considered likely to have no or minor impact on population size or the growth rate of this DPS (Bettridge *et al.*, 2015). As described in Bettridge *et al.* (2015), the West Indies DPS has a substantial population size (*i.e.*, approximately 10,000; Stevick *et al.*, 2003; Smith *et al.*, 1999; Bettridge *et al.*, 2015), and appears to be experiencing consistent growth. In context of this status, the approximately 145 recorded strandings during the UME do not provide concern that the effects of the specified activity would be greater than negligible.

We address finally CBD's contention that it is not appropriate to categorically exclude the action of issuing the renewal IHA from further analysis under NEPA. A categorical exclusion (CE) is a category of actions that an agency has determined does not individually or cumulatively have a significant effect on the quality of the human environment, and is appropriately applied for such categories of actions so long as there are no extraordinary circumstances present that would indicate that the effects of the action may be significant.

Extraordinary circumstances are situations for which NOAA has determined further NEPA analysis is required because they are circumstances in which a normally excluded action may have significant effects. A determination of whether an action that is normally excluded requires additional evaluation because of extraordinary circumstances focuses on the action's potential effects and considers the significance of those effects in terms of both context (consideration of the affected region, interests, and resources) and intensity (severity of impacts). Potential extraordinary circumstances relevant to this action include (1) adverse effects on species or habitats protected by the MMPA that are not negligible; (2) highly controversial environmental effects; (3) environmental effects that are uncertain, unique, or unknown; and (4) the potential for significant cumulative impacts when the proposed action is combined with other past, present, and reasonably foreseeable future actions.

The relevant NOAA CE associated with issuance of incidental take authorizations is CE B4, "Issuance of incidental harassment authorizations under section 101(a)(5)(A) and (D) of the MMPA for the incidental, but not intentional, take by harassment of marine mammals during specified activities and for which no serious injury or mortality is anticipated." This action falls within CE B4. In determining whether a CE is appropriate for a given incidental take authorization, NMFS considers the applicant's specified activity and the potential extent and magnitude of takes of marine mammals associated with that activity along with the extraordinary circumstances listed in the Companion Manual for NAO 216–6A and summarized above. The evaluation of whether extraordinary circumstances (if present) have the potential for significant environmental effects is limited to the decision NMFS is responsible for, which is issuance of the incidental take authorization. While there may be environmental effects associated with the underlying action, potential effects of NMFS' action are limited to those that would occur due to the authorization of incidental take of marine mammals. NMFS prepared numerous Environmental Assessments (EAs) analyzing the environmental impacts of the categories of activities encompassed by CE B4 which resulted in Findings of No Significant Impacts (FONSI) and, in particular, numerous EAs prepared in support of issuance of IHAs related to similar construction

actions are part of NMFS' administrative record supporting CE B4. These EAs demonstrate the issuance of a given incidental harassment authorization does not affect other aspects of the human environment because the action only affects the marine mammals that are the subject of the incidental harassment authorization. These EAs also addressed factors in 40 CFR 1508.27 regarding the potential for significant impacts and demonstrate the issuance of incidental harassment authorization for the categories of activities encompassed by CE B4 do not individually or cumulatively have a significant effect on the human environment.

In particular, the issuance of a renewal IHA to CTJV is expected to result in minor, short-term behavioral effects to five species and minor auditory injury to four species due to exposure to underwater sound from pile driving and removal activities. Behavioral disturbance and auditory injury are expected to occur intermittently in the vicinity of the PTST project site during the one-year timeframe. Level A and Level B harassment will be reduced through use of mitigation measures described herein. The issuance of this renewal IHA will not result in highly controversial environmental effects or result in environmental effects that are uncertain, unique, or unknown—the paucity of data regarding DTH pile installation notwithstanding—because numerous entities have been engaged in pile driving and removal activities that result in Level A and Level B harassment of marine mammals in the United States. This type of activity is well documented; prior authorizations and analysis demonstrates issuance of an IHA for this type of action only affects the marine mammals that are the subject of the authorization. Although the lack of data concerning DTH pile installation leads to some uncertainty regarding the most appropriate analytical approach to estimating harassment zones resulting from use of the technique, the potential effects associated with DTH pile installation are the same as those associated with other typical construction techniques. The ongoing humpback whale UME does not constitute an extraordinary circumstance demanding additional analysis under NEPA.

Comment: The Commission recommends that NMFS ensure that CTJV is aware of the reporting requirements set forth in section 6(a) of CTJV's 2020 IHA for the draft and final monitoring reports.

Response: NMFS concurs with the Commission's recommendation and will ensure that CTJV is aware of all requirements of the 2020 IHA.

Comment: The Marine Mammal Commission expressed continuing concern with NMFS' use of the Renewal process.

Response: In prior responses to comments about IHA Renewals (e.g., 84 FR 52464; October 02, 2019 and 85 FR 53342; August 28, 2020), NMFS has explained how the Renewal process, as implemented, is consistent with the statutory requirements contained in section 101(a)(5)(D) of the MMPA, provides additional efficiencies beyond the use of abbreviated notices, and, further, promotes NMFS' goals of improving conservation of marine mammals and increasing efficiency in the MMPA compliance process. Therefore, we intend to continue implementing the Renewal process.

Determinations

The planned construction activities are identical to (and a subset of) those analyzed in the initial IHA, as are the method of taking and the effects of the action. The planned number of days of activity will be slightly reduced given the completion of a small portion of the originally planned work. The potential effects of CTJV's activities are limited to Level A and Level B harassment in the form of auditory injury and behavioral disturbance. In analyzing the effects of the activities in the initial IHA, NMFS determined that CTJV's activities would have a negligible impact on the affected species or stocks and that the authorized take numbers of each species or stock were small relative to the relevant stocks (e.g., less than one-third of the abundance of all stocks). The mitigation measures and monitoring and reporting requirements as described above are identical to the initial IHA.

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) CTJV's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine

mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. No incidental take of ESA-listed marine mammal species is expected to result from this activity, and none would be authorized. Therefore, NMFS has determined that consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA Renewal qualifies to be categorically excluded from further NEPA review.

Renewal

NMFS has issued a Renewal IHA to CTJV for the take of marine mammals incidental to construction associated with the PTST at Virginia Beach, Virginia, for a period of one year.

Dated: March 11, 2021.

Donna S. Wieting,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2021-05464 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XA941]

Marine Mammals; File No. 18786

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that the NMFS Office of Protected Resources, Marine Mammal Health and Stranding Response Program (Responsible Party: Teri Rowles, D.V.M., Ph.D.), 1315 East West Highway, Silver Spring, MD 20910 has applied for an amendment to Scientific Research Permit No. 18786-05.

DATES: Written, telefaxed, or email comments must be received on or before April 16, 2021.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 18786 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 18786 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D. or Amy Sloan, (301)427-8401.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 18786-05 is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Permit No. 18786, issued on June 30, 2015 (80 FR 44939), authorizes the permit holder to: (1) Carry out response, rescue, rehabilitation and release of threatened and endangered marine mammals under NMFS jurisdiction (*Cetacea* and *Pinnipedia* (excluding walrus)), and disentanglement of all marine mammals under NMFS jurisdiction, pursuant to sections 109(h), 112(c), and Title IV of the MMPA; and, carry out such activities as enhancement pursuant to section 10(a)(1)(A) of the ESA; (2) Conduct health-related, bona fide scientific research studies on marine mammals and marine mammal parts under NMFS jurisdiction pursuant to sections 104(c) and Title IV of the MMPA and section 10(a)(1)(A) of the ESA, including research related to emergency response that may involve compromised animals, and research on healthy animals that have not been subject to emergency response (*e.g.*, baseline health studies); (3) Conduct Level B harassment on all marine mammal species under NMFS jurisdiction incidental to MMHSRP activities in the U.S.; and (4) Collect, salvage, receive, possess, transfer, import, export, analyze, and curate marine mammal specimens under NMFS jurisdiction for purposes delineated in numbers (1) and (2) above. The permit holder is requesting the permit be amended to include authorization to extend the duration of the permit for 12 months through December 31, 2022.

An environmental assessment (EA) was prepared for the original permit (No. 18786) in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), to examine whether significant environmental impacts could result from issuance of the proposed scientific research permit. Based on the analyses in the EA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on June 29, 2015. The activities in this proposed amendment are consistent with the analyses in the original EA and no additional NEPA analysis is required for the issuance of this amendment. The original EA and FONSI are available upon request.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 11, 2021.

Amy Sloan,

*Acting Chief, Permits and Conservation
Division, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2021-05446 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Commerce Spectrum Management Advisory Committee

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Call for applications to serve on Advisory Committee.

SUMMARY: The National Telecommunications and Information Administration (NTIA) is seeking applications from persons interested in serving on the Department of Commerce Spectrum Management Advisory Committee (CSMAC or committee) for two-year terms. The CSMAC provides advice to the Assistant Secretary for Communications and Information and NTIA Administrator on spectrum policy matters.

DATES: Applications must be postmarked or electronically transmitted on or before April 16, 2021.

ADDRESSES: Persons may submit applications, with the information specified below, to Antonio Richardson, Designated Federal Officer, by email to arichardson@ntia.gov (preferred) or by U.S. mail or commercial delivery service to Office of Spectrum Management, National Telecommunications and Information Administration, 1401 Constitution Avenue NW, Room 4600, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Antonio Richardson at (202) 482-4156 or arichardson@ntia.gov.

SUPPLEMENTARY INFORMATION: The Commerce Spectrum Management Advisory Committee is chartered by the Department of Commerce under the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2, and pursuant to Section 105(b) of the National Telecommunications and Information Administration Organization Act, as amended, 47 U.S.C. 904(b). The committee will continue as provided in Executive Order 13889 effective September 27, 2019. The Department of Commerce re-chartered the CSMAC on October 1, 2019, for a two-year period. The CSMAC advises the Assistant

Secretary of Commerce for Communications and Information on a broad range of issues regarding spectrum policy. In particular, the current charter provides that the committee will provide advice and recommendations on needed reforms to domestic spectrum policies and management in order to: License radio frequencies in a way that maximizes their public benefit; keep wireless networks as open to innovation as possible; and make wireless services available to all Americans. The CSMAC functions solely as an advisory body in compliance with the FACA. Additional information about the CSMAC and its activities may be found at <http://www.ntia.gov/category/csmac>.

Under the terms of the committee's charter, it will have no fewer than five (5) members and no more than thirty (30) members. The members serve on the CSMAC in the capacity of Special Government Employee (SGE). As SGEs, members must comply with certain federal conflict of interest statutes and ethics regulations, including some financial disclosure requirements. Members will not receive compensation or reimbursement for travel or for per diem expenses. No member may be a registered federal lobbyist pursuant to the Lobbying Disclosure Act of 1995 (*codified at 2 U.S.C. 1601 et seq.*). See Office of Management and Budget, *Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions*, 79 FR 47482 (Aug. 13, 2014). No member may be an agent of a foreign principal required to register pursuant to the Foreign Agents Registration Act of 1938, as amended (*codified at 22 U.S.C. 611 et seq.*).

The Secretary of Commerce appoints members of the committee who serve at the Secretary's pleasure and discretion for up to a two-year term and may be reappointed for additional terms. NTIA currently seeks applicants for new two-year terms that will commence in approximately April 2021 and continue for two years, subject to the anticipated timely renewal of the committee's charter or its termination by proper authority.

The committee's membership will be fairly balanced in terms of the points of view represented by members and the functions to be performed. Accordingly, its membership will reflect a cross-section of interests in spectrum management and policy, including non-federal spectrum users; state, regional, and local sectors; technology developers and manufacturers; academia; civil society; and service providers with customers in both domestic and

international markets. A description of factors that will be considered to determine each applicant's expertise is contained in the committee's Membership Balance Plan (*available at <http://www.ntia.gov/other-publication/2019/csmac-membership-balance-plan>*).

In particular, NTIA seeks applicants with strong technical and engineering knowledge and experience, familiarity with commercial or private wireless technologies and associated businesses, or expertise with specific applications of wireless technologies. The Secretary may consider factors including, but not limited to, educational background, past work or academic accomplishments, and the industry sector in which a member is currently or previously employed. All appointments are made without discrimination on the basis of age, ethnicity, gender, sexual orientation, disability, cultural, religious, or socioeconomic status.

Each application must include the applicant's full name, address, telephone number, and email address, along with a summary of the applicant's qualifications that identifies, with specificity, how his or her education, training, experience, expertise, or other factors would support the CSMAC's work and how his or her participation would help achieve the balance factors described above. Each application must also include a detailed resume or curriculum vitae.

Dated: March 12, 2021.

Kathy D. Smith,

Chief Counsel, National Telecommunications and Information Administration.

[FR Doc. 2021-05505 Filed 3-16-21; 8:45 am]

BILLING CODE 3510-10-P

DEPARTMENT OF DEFENSE

Army Corps of Engineers

Sunshine Act Meetings; Agency Holding the Meetings: Mississippi River Commission

TIME AND DATE: 9:00 a.m., April 12, 2021.

PLACE: On board MISSISSIPPI V at New Madrid City Front, New Madrid, Missouri.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1) Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the St. Louis and

Memphis Districts; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 13, 2021.

PLACE: On board MISSISSIPPI V at Beale Street Landing, Memphis, Tennessee.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1)

Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Memphis District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 1:00 p.m., April 14, 2021.

PLACE: On board MISSISSIPPI V at Vicksburg City Front, Vicksburg, Mississippi.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1)

Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any issue affecting the programs or projects of the Commission and the Corps of Engineers.

TIME AND DATE: 9:00 a.m., April 16, 2021.

PLACE: On board MISSISSIPPI V at Thalia Street Wharf, New Orleans, Louisiana.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: (1)

Summary report by President of the Commission on national and regional issues affecting the U.S. Army Corps of Engineers and Commission programs and projects on the Mississippi River and its tributaries; (2) District Commander's overview of current project issues within the Vicksburg District; and (3) Presentations by local organizations and members of the public giving views or comments on any

issue affecting the programs or projects of the Commission and the Corps of Engineers.

CONTACT PERSON FOR MORE INFORMATION: Mr. Charles A. Camillo, telephone 601-634-7023.

Diana M. Holland,

Major General, USA, President, Mississippi River Commission.

[FR Doc. 2021-05592 Filed 3-15-21; 11:15 am]

BILLING CODE 3720-58-P

DEPARTMENT OF EDUCATION

[Docket No.: ED-2021-SCC-0039]

Agency Information Collection Activities; Comment Request; U.S. Department of Education Grant Performance Report Form (ED 524B)

AGENCY: Office of the Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension without change of a currently approved collection.

DATES: Interested persons are invited to submit comments on or before May 17, 2021.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2021-SCC-0039. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the www.regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at ICDocketMgr@ed.gov. Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 6W208C, Washington, DC 20202-8240.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Alfreida Pettiford, (202) 245-6110.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: U.S. Department of Education Grant Performance Report Form (ED 524B).

OMB Control Number: 1894-0003.

Type of Review: Extension without change of a currently approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 7,595.

Total Estimated Number of Annual Burden Hours: 169,390.

Abstract: The ED 524B form and instructions are used by many ED discretionary grant programs to enable grantees to meet ED deadline dates for submission of performance reports to the Department.

Dated: March 11, 2021.

Juliana Pearson,

PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021-05455 Filed 3-16-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION**[Docket No.: ED–2021–SCC–0038]****Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Program for the International Assessment of Adult Competencies (PIAAC) Cycle II 2022 Operational Field Test****AGENCY:** Institute of Education Sciences (IES), National Center for Education Statistics (NCES), Department of Education (ED).**ACTION:** Notice.**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of a currently approved information collection.**DATES:** Interested persons are invited to submit comments on or before April 16, 2021.**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this information collection request by selecting “Department of Education” under “Currently Under Review,” then check “Only Show ICR for Public Comment” checkbox. Comments may also be sent to ICDocketmgr@ed.gov.**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Carrie Clarady, (202) 245–6347.**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance

the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Program for the International Assessment of Adult Competencies (PIAAC) Cycle II 2022 Operational Field Test.*OMB Control Number:* 1850–0870.*Type of Review:* Revision of a currently approved information collection.*Respondents/Affected Public:* Individuals or Households.*Total Estimated Number of Annual Responses:* 1,250.*Total Estimated Number of Annual Burden Hours:* 293.*Abstract:* The Program for the International Assessment of Adult Competencies (PIAAC) is a cyclical, large-scale study of adult skills and life experiences focusing on education and employment. PIAAC is an international study designed to assess adults in different countries over a broad range of abilities, from simple reading to complex problem-solving skills, and to collect information on individuals’ skill use and background. PIAAC is coordinated by the Organization for Economic Cooperation and Development (OECD) and developed by participating countries with the support of the OECD. In the United States, the National Center for Education Statistics (NCES), within the U.S. Department of Education (ED) conducts PIAAC. The U.S. participated in the PIAAC Main Study data collection in 2012 and conducted national supplement data collections in 2014 and 2017. All three of these collections are part of PIAAC Cycle I. A new PIAAC cycle is to be conducted every 10 years, and PIAAC Cycle II Main Study data collection will be conducted from August 2022 through March 2023. In preparation for the main study collection, PIAAC Cycle II begins with a Field Test in Spring of 2021 in which 33 countries will participate with the goal of evaluating newly developed assessment and questionnaire items and to test the operations for the PIAAC 2023 Main Study (2022–2023). PIAAC 2022 defines four core competency domains of adult cognitive skills deemed key to facilitating the social and economic participation of adults in advanced economies: (1) Literacy, (2) numeracy, (3) reading and numeracy components, and (4) adaptive problem solving. The U.S. will administer all four domains of the PIAAC 2022

assessment to a nationally representative sample of adults, along with a background questionnaire with questions about their education background, work history, the skills they use on the job and at home, their civic engagement, financial literacy and sense of their health and well-being. The results are used to compare the skills capacities of the workforce-aged adults in participating countries, and to learn more about relationships between educational background, employment, and other outcomes. The request to conduct the PIAAC Cycle II Field Test in April–June 2020 was approved by OMB in December 2019 (OMB# 1850–0870 v.7–8). As described in the previously approved amendment in September 2020 (OMB# 1850–0870 v.9), the 2020 PIAAC Cycle II Field Test, scheduled to begin in April 2020, was postponed due to the 2020 novel coronavirus (COVID–19) global pandemic. The OECD has delayed both the Field Test and Main Study by 12 months, meaning that the Field Test was due to be carried out in respondent homes beginning in April 2021. In recognition of the continued constraints that countries face in meeting the current Field Test goals and timeline during the continuing global pandemic, the OECD has relaxed the current field test standards to allow for a smaller Operational Field Test of survey implementation. Currently, none of the 13 areas of the U.S. in the PIAAC field test sample has low enough rates of new daily cases of COVID–19 for safe and productive field interviews. After several months of careful monitoring of new daily case rates and considering OECD guidance, NCES has elected to conduct an Operational Field Test. Therefore, this request updates the package to reflect the change to an Operational Field Test. Additionally, NCES has imposed new requirements on study nomenclature that require changes to the U.S. outreach and recruitment materials and program nomenclature in the instruments. The revisions made do include changes to respondent burden and the cost to the federal government.

Dated: March 11, 2021.

Stephanie Valentine,*PRA Coordinator, Strategic Collections and Clearance Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2021–05452 Filed 3–16–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION**Request for Information on Supporting the Reopening and Continuing Operation of Schools, Colleges and Universities, and Early Childhood Education Providers**

AGENCY: Office of Elementary and Secondary Education; Office of Planning, Evaluation and Policy Development; Office of Postsecondary Education; Department of Education.

ACTION: Request for information.

SUMMARY: Consistent with the President's Executive order titled "Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers," the U.S. Department of Education (Department) is requesting information to enable teachers, faculty, staff, schools, districts, institutions of higher education (IHEs), early childhood education providers, other places of educational instruction, and States to share lessons learned and best practices for operating safely and supporting all children and students, including children and students with disabilities, English learners, racial and ethnic minorities, and other underserved children and students, teachers, faculty, and staff during the pandemic. We will consider this information when populating a Safer Schools and Campuses Best Practices Clearinghouse. Responding to the request for information or undertaking any of the lessons learned included in the Clearinghouse are completely voluntary activities and are not prerequisites to receipt of any Federal funding.

DATES: We will receive submissions on a continuous basis until September 2021.

ADDRESSES: Submit your response to this request for information by email to Bestpracticesclearinghouse@ed.gov. We will not accept submissions by postal mail, commercial mail, hand delivery, or fax. To ensure that we do not receive duplicate copies, please submit each lesson learned or best practice only one time.

FOR FURTHER INFORMATION CONTACT: Victoria Hammer, Ph.D., Office of Elementary and Secondary Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202-7240. Telephone: (202) 213-9771. Email: Victoria.Hammer@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: Every student in America deserves a high-quality education in a safe and inclusive environment. The novel coronavirus 2019 (COVID-19) pandemic has threatened this promise, which was already out of reach for many of this Nation's historically underserved students. In the wake of the pandemic, PreK-12 and higher education administrators, teachers, faculty, staff, early childhood education providers, counselors and advisors, custodians, school bus drivers, information technology, housing and food service, and other staff, and families have mobilized to go above and beyond to support the well-being and safety of all of our children and students during this crisis. Students and teachers, faculty, and staff alike have found new ways to teach and learn.

On January 21, 2021, President Biden issued Executive Order (E.O.) 14000, "Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers." The E.O. directs the Department to take several actions to support States to safely open schools, PreK through IHEs, and ensure that all students receive a high-quality education. One of those actions is the development of a Safer Schools and Campuses Best Practices Clearinghouse (Clearinghouse) to enable teachers, faculty, staff, schools, districts, IHEs, early childhood education providers, other places of educational instruction, and States to share lessons learned and best practices for operating safely during the pandemic. The Clearinghouse will include a collection of lessons learned and best practices submitted by teachers, faculty, staff, schools, districts, IHEs, early childhood education providers, other places of educational instruction, and States describing approaches to operating during the COVID-19 pandemic that the submitters believe to have worked well in their contexts. It will also include a wide variety of resources that the Department and other Federal agencies have published in response to the pandemic. The purpose of this information sharing is so that teachers, faculty, staff, schools, districts, IHEs, early childhood education providers, other places of educational instruction, and States may learn from what others are doing around the Nation, and accelerate the return to safe in-person teaching and learning.

Through this request for information (RFI), we seek lessons learned and best practices for review and inclusion in the Clearinghouse on three topics: Safe and healthy environments; providing support to students to meet their social,

emotional, mental health, academic, financial, and other needs, including access to food and other basic needs; and teacher, faculty, and staff well-being, professional development, and supports. The submissions should include substantive materials such as fact sheets, step-by-step guidance, policies or regulations, sample agreements among partners (e.g., between a local education agency and a local health agency, or an employee union), ready-to-implement resources, videos or other media focused on how to implement practices, and descriptions of how strategies have been implemented. Generally, submissions from the field should not include or reference materials such as commercial advertisements, vendor solicitations or products, and editorials. Submitters may include the actual materials or links to them.

Please include the following with each submission:

- (1) Contact information.
- (2) Topic (e.g., safe and healthy environments; providing supports for students; teacher, faculty, and staff well-being, professional development, and supports).
- (3) Target audience (e.g., early childhood, PreK-12, postsecondary).
- (4) A short description (two to three sentences).
- (5) What makes it a lesson learned or best practice (e.g., it is based on local data regarding number of cases of COVID in the community, State or Federal guidance, research), including a summary of the impact and any evidence of positive outcomes and clarification of the type of setting the practice has been used in (e.g., rural/urban/suburban, public/private/proprietary, 2-year or 4-year higher education institution, Historically Black College or University/Tribally Controlled College or University/Minority Serving Institution; other educational settings such as correctional facilities).
- (6) Whether there is a focus on racial equity and/or another equity focus, such as a focus on historically underserved populations including students with disabilities; English learners; students from low-income backgrounds; first-generation college students; students experiencing homelessness; students in or formerly in foster care; Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual (LGBTQIA) students; undocumented students; student veterans and military-connected students; student parents; and international students.

The following table provides examples of the content for which we seek best practices and lessons learned.

Topic	Example content for lessons learned/best practices		
	Early childhood	K–12	Postsecondary
<i>Safe and healthy environments:</i> School and campus approaches to implementing the Centers for Disease Control and Prevention's (CDC) recommended mitigation strategies and preparing for and sustaining in-person operations safely. This includes recommendations across all grade and age levels of students served, with focus on reopening buildings for the first time as well as keeping them open safely.	<ul style="list-style-type: none"> • Cleaning early childhood centers. • Ensuring proper mask wearing for early childhood education centers. 	<ul style="list-style-type: none"> • Social distancing during class and in hallways between classes. • Ensuring proper mask wearing • Use of pods with educational equity and staffing considerations. • Protocols for extra-curricular activities. 	<ul style="list-style-type: none"> • Campus protocols for distancing, mask wearing, hand-washing stations, maximum occupants, etc. in classrooms and other campus locations (e.g., libraries, museums, sports facilities). • Institutions as testing and vaccination sites and sources of information for campus and surrounding communities. • Supporting students on and off campus who are in isolation/quarantine.
<i>Providing Supports to Students:</i> School and campus strategies to meet student social, emotional, mental health, academic, financial, and other needs, including access to food and other basic needs. This includes a specific focus on the most vulnerable learners and ensuring that resources provided by schools and campuses will be able to connect with and meet the needs of those disconnected from learning.	<ul style="list-style-type: none"> • Helping to ensure nutritional needs are met. • Supporting children who have lost relatives or whose relatives have lost employment due to the pandemic. 	<ul style="list-style-type: none"> • Supporting students who have lost relatives or whose relatives have lost employment due to the pandemic. • Re-engaging students who have been chronically absent during the pandemic or who have had significant adverse experiences. • Strategies to identify and mitigate equity issues (e.g., access to broadband). 	<ul style="list-style-type: none"> • Mental health and child/elder care supports to students who are struggling with issues such as loss, isolation, significant family challenges, unemployment or financial distress and serving as the support system for others on campus. • Supporting students who are isolated from campus support networks. • Ensuring students can provide for basic needs such as food, housing, and health care. • Effective course management and delivery strategies. • Creating flexibilities in the academic calendar and class schedule. • Creating flexibilities in admissions and enrollment (e.g., test optional, transfer, policies, forgiving or delaying collection of outstanding balances). • Strategies to identify and mitigate equity issues (e.g., access to broadband). • Student financial support.
<i>Teacher, Faculty, and Staff Well-Being, Professional Development, and Supports:</i> School and campus strategies to address the social, emotional, health, and other needs of teachers, faculty, and staff.	<ul style="list-style-type: none"> • Mental health support for early childhood education providers. • Assistance with child- or elder-care. 	<ul style="list-style-type: none"> • Stabilizing a qualified and diverse educator workforce. • Assisting educators in providing effective virtual or hybrid instruction (including supporting the use of educational technology). • Supporting emotional well-being for all school personnel. • Assistance with child- or elder-care. • Accommodating staff with health risks. 	<ul style="list-style-type: none"> • Mental health supports to faculty and staff who are struggling with issues such as loss, isolation, significant family challenges, unemployment or financial distress and serving as the support system for others on campus. • Assistance with child- or elder-care. • Institutional policy changes that allow faculty and staff access to sick leave or other flexibilities if exposed to COVID–19. • Designing and delivering effective remote or hybrid instruction (e.g., synchronous versus asynchronous).

Each submitter will be notified of the Department's receipt of the submission. Note that the Department will not include all submissions in the

Clearinghouse, and submissions that are included may be modified. Further, the Department will not include commercial product endorsements, nor

any strategies that may lead a user to violate Federal law.

This is a request for information only. This RFI is not a request for proposals

(RFP) or a promise to issue an RFP or a notice inviting applications. This RFI does not commit the Department to contract for any supply or service whatsoever. Further, we are not seeking proposals and will not accept unsolicited proposals. The Department will not pay for any information or administrative costs that you may incur in responding to this RFI. Inclusion of or publishing of any submissions in the Clearinghouse does not necessarily equate endorsement from the U.S. Department of Education or from the Federal Government, nor is it a certification of the effectiveness of the suggestion.

Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This helps ensure that the public understands the Department's collection instructions, respondents provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

A Federal agency may not conduct or sponsor a collection of information unless the Office of Management and Budget (OMB) approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of the law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number.

The Department requested and was granted an emergency paperwork clearance from OMB for the data collection associated with this RFI. The Department will publish 60- and 30-day **Federal Register** notices as required by 5 CFR 1320.8(d), soliciting comments on the information collection.

We estimate that 300 respondents will submit materials such as fact sheets, step-by-step guidance, and ready-to-implement resources in response to this RFI. We estimate that it will take each respondent one hour and 30 minutes to review instructions, gather submission materials, and submit the requested information. This will result in a total

burden of 300 responses and 450 hours to the public.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Ruth Ryder,

Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.

Erin McHugh,

Acting Assistant Secretary for Planning, Evaluation, and Policy Development.

Tiwanida Burse,

Deputy Assistant Secretary for Management and Planning, Office of Postsecondary Education.

[FR Doc. 2021-05588 Filed 3-16-21; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice.

SUMMARY: In this notice, the U.S. Department of Energy (DOE) is forecasting the representative average unit costs of five residential energy sources for the year 2021 pursuant to the Energy Policy and Conservation Act (Act). The five sources are electricity,

natural gas, No. 2 heating oil, propane, and kerosene.

DATES: The representative average unit costs of energy contained in this notice will become effective April 16, 2021 and will remain in effect until further notice.

FOR FURTHER INFORMATION CONTACT: Mr. John Cymbalsky, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy Forrestal Building, Mail Station EE-5B, 1000 Independence Avenue SW, Washington, DC 20585-0121, (202) 287-1692, ApplianceStandardsQuestions@ee.doe.gov.

Ms. Francine Pinto, Esq. U.S. Department of Energy, Office of General Counsel Forrestal Building, Mail Station GC-33, 1000 Independence Avenue SW, Washington, DC 20585-0103, (202) 586-7432, Francine.Pinto@hq.doe.gov.

SUPPLEMENTARY INFORMATION: Section 323 of the Energy Policy and Conservation Act requires that DOE prescribe test procedures for the measurement of the estimated annual operating costs or other measures of energy consumption for certain consumer products specified in the Act. (42 U.S.C. 6293(b)(3)) These test procedures are found in Title 10 of the Code of Federal Regulations (CFR) part 430, subpart B.

Section 323(b)(3) of the Act requires that the estimated annual operating costs of a covered product be calculated from measurements of energy use in a representative average use cycle or period of use and from representative average unit costs of the energy needed to operate such product during such cycle. (42 U.S.C. 6293(b)(3)) The section further requires that DOE provide information to manufacturers regarding the representative average unit costs of energy. (42 U.S.C. 6293(b)(4)) This cost information should be used by manufacturers to meet their obligations under section 323(c) of the Act. Most notably, these costs are used to comply with Federal Trade Commission (FTC) requirements for labeling. Manufacturers are required to use the revised DOE representative average unit costs when the FTC publishes new ranges of comparability for specific covered products, 16 CFR part 305. Interested parties can also find information covering the FTC labeling requirements at <http://www.ftc.gov/appliances>.

DOE last published representative average unit costs of residential energy in a **Federal Register** notice entitled, "Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy", dated August 14, 2020, 85 FR 49645.

On April 16, 2021, the cost figures published in this notice will become effective and supersede those cost figures published on August 14, 2020. The cost figures set forth in this notice will be effective until further notice.

DOE's Energy Information Administration (EIA) has developed the 2021 representative average unit after-tax residential costs found in this notice. These costs for electricity, natural gas, No. 2 heating oil, and propane are based on simulations used to produce the February 2021, EIA *Short-Term Energy Outlook* (EIA releases the *Outlook* monthly). The representative average unit after-tax cost for kerosene is derived from its price relative to that of heating oil, based on the 2010 to 2013 averages of the U.S. refiner price to end users, which include all the major energy-consuming sectors in the U.S. for these fuels. The source for these price data is the February 2021, *Monthly Energy Review* DOE/EIA-0035(2021/2). The

representative average unit after-tax cost for propane is derived from its price relative to that of heating oil, based on the 2021 averages of the U.S. residential sector prices found in the *Annual Energy Outlook 2021*, AEO2021) (February 3, 2021). The *Short-Term Energy Outlook*, the *Monthly Energy Review*, and the *Annual Energy Outlook* are available on the EIA website at <http://www.eia.doe.gov>. For more information on the data sources used in this Notice, contact the National Energy Information Center, Forrestal Building, EI-30, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-8800, email: infoctr@eia.doe.gov.

The 2021 representative average unit costs under section 323(b)(4) of the Act are set forth in Table 1, and will become effective April 16, 2021. They will remain in effect until further notice.

Signing Authority

This document of the Department of Energy was signed on March 10, 2021,

by Kelly Speakes-Backman, Principal Deputy Assistant Secretary and Acting Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on March 11, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

TABLE 1—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2021)

Type of energy	Per million Btu ¹	In commonly used terms	As required by test procedure
Electricity	\$39.01	13.31¢/kWh ^{2,3}	\$0.133/kWh
Natural Gas	10.64	\$1.064/therm ⁴ or \$11.56/MCF ^{5,6}	\$0.00001064/Btu
No. 2 Heating Oil	19.73	\$2.71/gallon ⁷	\$0.00001973/Btu
Propane	19.21	\$1.75/gallon ⁸	\$0.00001921/Btu
Kerosene	23.35	\$3.15/gallon ⁹	\$0.00002335/Btu

Sources: U.S. Energy Information Administration, *Short-Term Energy Outlook* (February, 2021), *Annual Energy Outlook* (February 3, 2021), and *Monthly Energy Review* (February, 2021).

Notes: Prices include taxes.

¹ Btu stands for British thermal units.

² kWh stands for kilowatt hour.

³ 1 kWh = 3,412 Btu.

⁴ 1 therm = 100,000 Btu.

⁵ MCF stands for 1,000 cubic feet.

⁶ For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,039 Btu.

⁷ For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 137.38 Btu.

⁸ For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.

⁹ For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

[FR Doc. 2021-05482 Filed 3-16-21; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of open virtual meeting.

SUMMARY: This notice announces an online virtual combined meeting of the Consent Order Committee and Risk Evaluation and Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal

Advisory Committee Act requires that public notice of this online virtual meeting be announced in the **Federal Register**.

DATES: Wednesday, April 14, 2021; 1:00 p.m.–4:00 p.m.

ADDRESSES: This meeting will be held virtually via Webex. To attend, please contact Menice Santistevan by email, Menice.Santistevan@em.doe.gov, no later than 5:00 p.m. MT on Monday, April 12, 2021.

To Sign Up for Public Comment: Please contact Menice Santistevan by email, Menice.Santistevan@em.doe.gov, no later than 5:00 p.m. MT on Monday, April 12, 2021.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board

(NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995-0393 or Email: Menice.Santistevan@em.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Consent Order Committee (COC): It is the mission of the COC to review the Consent Order, evaluate its strengths and weaknesses, and make recommendation as to how to improve the Consent Order. It is also within the mission of this committee to review and ensure implementation of NNMCAB Recommendation 2019-02,

Improving the Utility of the Consent Order with Supplementary Information. The COC will work with the NNM CAB Risk Evaluation and Management Committee to review the risk-based approaches used to determine the prioritization of cleanup actions, as well as the “relative risk ranking” of the campaigns, targets, and milestones by the NNM CAB, to be recommended for use by the DOE EM Los Alamos Field Office (EM-LA) both within and outside of those activities covered by the Consent Order.

Purpose of the Risk Evaluation and Management Committee (REMC): The REMC provides external citizen-based oversight and recommendations to the DOE EM-LA on human and ecological health risk resulting from historical, current, and future hazardous and radioactive legacy waste operations at Los Alamos National Laboratory (LANL). The REMC will, to the extent feasible, stay informed of DOE EM-LA and LANL’s environmental restoration and long-term environmental stewardship programs and plans. The REMC will also work with the NNM CAB COC to provide DOE EM-LA and LANL with the public’s desires in determining cleanup priorities. The REMC will prepare recommendations that represent to the best of committee’s knowledge and ability to determine, the public’s position on human and ecological health risk issues pertaining to direct radiation or contaminant exposure to soils, air, surface and groundwater quality, or the agricultural and ecological environment.

Tentative Agenda

- Call to Order
- Welcome and Introductions
- Roll Call and Meeting Protocols
- Approval of Agenda and Meeting Minutes of October 13, 2020
- Old Business
 - Review of Revisions to NNM CAB Bylaws
 - Other Items
- New Business
- Presentations on Waste Management Processes at LANL During COVID-19 Pandemic
- Board Member Discussion on NNM CAB Recommendations
- Update from Deputy Designated Federal Officer
- Public Comment Period
- Adjourn

Public Participation: The online virtual meeting is open to the public. Written statements may be filed with the Committees either before or within five days after the meeting by sending them to Menice Santistevan at the aforementioned email address. The

Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or telephone number listed above. Minutes and other Board documents are on the internet at: <http://energy.gov/em/nnmcab/meeting-materials>.

Signed in Washington, DC, on March 12, 2021.

LaTanya Butler,

Deputy Committee Management Officer.

[FR Doc. 2021-05532 Filed 3-16-21; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 15030-000]

Desert Pumped Storage, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On April 27, 2020, Desert Pumped Storage LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the SilverKing 2 Energy Storage Project (SilverKing 2 Project or project), a closed-loop pumped storage project to be located in Gila County, Arizona. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners’ express permission.

The proposed project would consist of the following: (1) A new 33-foot-high dam with a total crest length of 9,780 feet, creating a 2,047 acre-foot upper reservoir with a maximum surface elevation of 1,499 feet above mean sea level; (2) two 3,329-foot-long, 10-foot-diameter steel penstocks that would connect the upper and lower reservoirs after passing through the powerhouse; (3) a new powerhouse to be located close to the afterbay with an approximate elevation of 1,210 feet above mean sea level with four 25-megawatt generator units with a total installed generation capacity of 100

megawatts and associated switchgear and controls; (4) an approximately 100-foot-long, 14-foot-diameter tailrace low pressure draft tube between the powerhouse and the lower reservoir; (5) a new 98-foot-high dam with a total crest length of 3,273 feet, creating a 1,846 acre-foot lower reservoir, with a maximum surface elevation of 1,210 feet above mean sea level that will utilize an existing waste rock dump of an open pit mine; (6) a new 200 mega-volt ampere (MVA) substation located adjacent to the lower reservoir; (7) an approximately 500-foot-long new 230-kilovolt transmission line from the new substation to the existing transmission lines owned by Salt River Project Agricultural Improvement and Power District; and (8) appurtenant facilities. The estimated average annual generation of the SilverKing 2 Project would be 400 gigawatt-hours.

Applicant Contact: Dr. Michael Werner, Desert Pumped Storage LLC, 7425 East Columbia Drive, Spokane, Washington 99212; phone: (509) 280-7486.

FERC Contact: Khatoon Melick, (202) 502-8433, khatoon.melick@ferc.gov.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission’s eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FEROnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P-15030-000.

More information about this project, including a copy of the application, can be viewed or printed on the “eLibrary” link of Commission’s website at <https://www.ferc.gov/ferc-online/elibrary/overview>. Enter the docket number (P–15030) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: March 11, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05493 Filed 3–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD10–12–012]

Increasing Market and Planning Efficiency Through Improved Software; Notice of Technical Conference: Increasing Real-Time and Day-Ahead Market Efficiency Through Improved Software

Take notice that Commission staff will convene a technical conference on June 22, 23, and 24, 2021 to discuss opportunities for increasing real-time and day-ahead market efficiency of the bulk power system through improved software. A detailed agenda with the list and times for the selected speakers will be published on the Commission’s website ¹ after May 28, 2021.

This conference will bring together and encourage discussion between experts from diverse backgrounds. Examples include electric power system operators, software developers, and professionals from government, research centers, and academia. The conference will bring these experts together for the purposes of stimulating discussion, sharing information, and identifying fruitful avenues for research concerning improved software for increasing efficiency and reliability of the bulk power system.

This conference will build on discussions at prior conferences in this proceeding by focusing on topics identified as important to market efficiency in prior conferences. Broadly, such topics fall into the following categories:

(1) Improvements to the representation within market models of physical constraints that are either not currently modeled or are currently modeled using mathematical

approximations (e.g., voltage and reactive power constraints, stability constraints, fuel delivery constraints, and constraints related to contingencies);

(2) Representations of uncertainty to better maximize economic efficiency (expected market surplus) and lead to better understanding events of that could impact the reliability of the bulk power system (e.g., stochastic modeling, or other improved modeling approaches to energy and reserve dispatch and system planning that efficiently manage uncertainty);

(3) Software related to grid-enhancing technologies (e.g., optimal transmission switching, transmission flow control, advanced transmission line ratings, distributed energy resources, and software for forecasting and enhancing visibility into changing system conditions);

(4) Improvements in markets’ ability to identify, use, and/or enable capabilities in the existing systems in ways that improve bulk power system economic efficiency and reliability (e.g., transmission constraint relaxation practices, multi-stage generator modeling, storage state-of-charge management, and ramp management);

(5) Improvements to the duality interpretations of the economic dispatch model, with the goal of enabling the calculation of prices which represent better equilibrium and incentives for efficient entry and exit;

(6) Limitations of current electricity market software due to its interaction with hardware, for example, parallel computing and better cache management;

(7) Other improvements in algorithms, model formulations, or hardware that may allow for increases in market efficiency and enhanced bulk power system reliability.

Within these or related topics, we encourage presentations that discuss best modeling practices, existing modeling practices that need improvement, any advances made, or related perspectives on increasing market efficiency through improved power systems modeling.

The conference will take place virtually via WebEx, with remote participation from both presenters and attendees. Further details on remote attendance and participation will be released prior to the conference.

Attendees must register through the Commission’s website on or before June 11, 2021.² WebEx connections may not

be available to those who do not register.

Speaker nominations must be submitted on or before May 7, 2021 through the Commission’s website ³ by providing the proposed speaker’s contact information along with a title, abstract, and list of contributing authors for the proposed presentation. Proposed presentations should be related to the topics discussed above. Speakers and presentations will be selected to ensure relevant topics and to accommodate time constraints.

The Commission will accept comments following the conference, with a deadline of July 30, 2021.

There is an “eSubscription” link on the Commission’s website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email FERCOnlineSupport@ferc.gov, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to accessibility@ferc.gov or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations. This notice is issued and published in accordance with 18 CFR 2.1 (2019).

For further information about these conferences, please contact:

Sarah McKinley (Logistical Information), Office of External Affairs, (202) 502–8004, Sarah.McKinley@ferc.gov.

Alexander Smith (Technical Information), Office of Energy Policy and Innovation, (202) 502–6601, Alexander.Smith@ferc.gov.

Dated: March 11, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–05494 Filed 3–16–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

¹ <https://www.ferc.gov/industries-data/electric/power-sales-and-markets/increasing-efficiency-through-improved-software>.

² The attendee registration form is located at <https://ferc.webex.com/ferc/onstage/g.php?MTID=e97c1ef8334b1f4db52394fe644edfe57>. Click “Register” to be taken to the form.

³ The speaker nomination form is located at <https://ferc.webex.com/ferc/onstage/g.php?MTID=e3309f9a29fe364f2f4ee1ddb3101f580>. Click “Register” to be taken to the form.

Docket Numbers: ER11-4380-006; ER11-4381-006.

Applicants: Bellevue Solar, LLC, Yamhill Solar, LLC.

Description: Notice of Non-Material Change in Status of Bellevue Solar, LLC, et al.

Filed Date: 3/10/21.

Accession Number: 20210310-5253.

Comments Due: 5 p.m. ET 3/31/21.

Docket Numbers: ER15-356-015; ER15-357-015.

Applicants: Chief Conemaugh Power, LLC, Chief Keystone Power, LLC.

Description: Notice of Change in Status of Chief Conemaugh Power, LLC, et al.

Filed Date: 3/11/21.

Accession Number: 20210311-5151.

Comments Due: 5 p.m. ET 4/1/21.

Docket Numbers: ER21-1069-001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Errata to Notice of Cancellation of SA No. 5670; Queue No. AE2-151 to be effective 2/27/2021.

Filed Date: 3/11/21.

Accession Number: 20210311-5158.

Comments Due: 5 p.m. ET 4/1/21.

Docket Numbers: ER21-1321-000.

Applicants: Harbor Cogeneration Company, LLC.

Description: Petition for Limited Waiver or Alternative Remedial Relief of Harbor Cogeneration Company, LLC.

Filed Date: 3/10/21.

Accession Number: 20210310-5233.

Comments Due: 5 p.m. ET 3/31/21.

Docket Numbers: ER21-1322-000.

Applicants: Pacific Gas and Electric Company.

Description: § 205(d) Rate Filing: CDWR Work Performance Agreement for Buena Vista Pumping Plant (TO SA 275) to be effective 5/11/2021.

Filed Date: 3/11/21.

Accession Number: 20210311-5009.

Comments Due: 5 p.m. ET 4/1/21.

Docket Numbers: ER21-1325-000.

Applicants: ISO New England Inc., New Hampshire Transmission, LLC.

Description: Compliance filing: New Hampshire Transmission, LLC; Supplemental Order No. 864 Compliance Filing to be effective 1/1/2020.

Filed Date: 3/11/21.

Accession Number: 20210311-5046.

Comments Due: 5 p.m. ET 4/1/21.

Docket Numbers: ER21-1326-000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Cancellation: Notice of Cancellation of ISA, Service Agreement No. 5838; Queue No. AC2-078 to be effective 4/16/2021.

Filed Date: 3/11/21.

Accession Number: 20210311-5052.

Comments Due: 5 p.m. ET 4/1/21.

Docket Numbers: ER21-1328-000.

Applicants: Midcontinent

Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: 2021-03-11_SA 2804 ATC-City of Richland Center 1st Rev CFA to be effective 5/11/2021.

Filed Date: 3/11/21.

Accession Number: 20210311-5108.

Comments Due: 5 p.m. ET 4/1/21.

Docket Numbers: ER21-1329-000.

Applicants: Midcontinent

Independent System Operator, Inc., American Transmission Company LLC.

Description: § 205(d) Rate Filing: 2021-03-11_SA 2769 ATC-City of Reedsburg 1st Rev CFA to be effective 5/11/2021.

Filed Date: 3/11/21.

Accession Number: 20210311-5120.

Comments Due: 5 p.m. ET 4/1/21.

Docket Numbers: ER21-1331-000.

Applicants: Southwest Power Pool Inc., Southwest Power Pool Market Monitoring Unit.

Description: Request for Limited Waiver of Tariff Provisions, et al. of Southwest Power Pool, Inc.

Filed Date: 3/11/21.

Accession Number: 20210311-5190.

Comments Due: 5 p.m. ET 3/16/21.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM21-10-000.

Applicants: Old Dominion Electric Cooperative.

Description: Application of Old Dominion Electric Cooperative to Terminate Its Mandatory Purchase Obligation under the Public Utility Regulatory Policies Act of 1978.

Filed Date: 3/10/21.

Accession Number: 20210310-5247.

Comments Due: 5 p.m. ET 4/7/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests,

service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 11, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021-05497 Filed 3-16-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD20-18-000]

Offshore Wind Integration in RTOs/ISOs; Notice Inviting Post-Technical Conference Comments

On October 27, 2020, Federal Energy Regulatory Commission (Commission) staff convened a technical conference to discuss whether and how existing transmission planning, interconnection, and merchant transmission facility frameworks in Regional Transmission Organizations/Independent System Operators (RTOs/ISOs) can accommodate anticipated growth in offshore wind generation in an efficient and cost-effective manner that safeguards open access transmission principles, and to consider possible changes or improvements to the current frameworks should they be needed to accommodate such growth.

All interested persons are invited to file post-technical conference comments on the questions listed in the attachment to this Notice. Commenters need not answer all of the questions but are encouraged to organize responses using the numbering and sequencing in the attached questions. Commenters may also respond to the questions outlined in the October 22, 2020 supplemental notice of technical conference.¹ Commenters need not answer all of the questions included in the October 22, 2020 notice, but, to the extent that commenters respond to any of those questions, please utilize the question numbering included in that notice. In addition, commenters are invited to reference material previously filed in this docket, including the technical conference transcript and submitted opening remarks, but are encouraged to avoid repetition or replication of previous material. Comments must be submitted on or

¹ Supplemental Notice of Technical Conference, Docket No. AD20-18-000 (October 22, 2020), <https://www.ferc.gov/sites/default/files/2020-10/AD20-18-000-Tech-Conf-Errata.pdf>.

before 60 days from the date of this Notice.

Comments may be filed electronically via the internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's website <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll free at 1-866-208-3676, or for TTY, (202) 502-8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and five copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

For more information about this Notice, please contact:

David Rosner (Technical Information), Office of Energy Policy and Innovation, (202) 502-8479, david.rosner@ferc.gov.

Rishi Garg (Legal Information), Office of the General Counsel, (202) 502-8667, rishi.garg@ferc.gov.

Dated: March 11, 2021.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2021-05495 Filed 3-16-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Number: PR21-37-000.

Applicants: Columbia Gas of Ohio, Inc.

Description: Tariff filing per 284.123(b),(e)/: COH Rates effective March 1 2021 to be effective 3/1/2021.
Filed Date: 3/9/2021.

Accession Number: 202103095047.

Comments/Protests Due: 5 p.m. ET 3/30/2021.

Docket Numbers: RP20-879-000.

Applicants: Antero Resources Corporation, MU Marketing LLC.
Description: Joint Request of Antero Resources Corporation, et al. for Extension of Limited Waiver et al.
Filed Date: 3/10/21.

Accession Number: 20210310-5104.

Comments Due: 5 p.m. ET 3/22/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings

must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: March 11, 2021.

Nathaniel J. Davis, Sr.,
Deputy Secretary.

[FR Doc. 2021-05498 Filed 3-16-21; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC21-5-000]

Commission Information Collection Activities (FERC-725HH); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is inviting public comments on the currently approved information collection FERC-725HH (RF Reliability Standards).

DATES: Comments on the collection of information are due April 16, 2021.

ADDRESSES: Send written comments on FERC-725HH to the Office of Management and Budget (OMB) through www.reginfo.gov/public/do/PRAMain, Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB control number (1902-0301) in the subject line. Your comments should be sent within 30 days of publication of this notice in the **Federal Register**.

Please submit copies of your comments to the Commission (identified by Docket No. IC21-5-000) by any of the following methods:

- **eFiling at Commission's Website:** <http://www.ferc.gov/docs-filing/efiling.asp>.
- **U.S. Postal Service Mail:** Persons unable to file electronically may mail

similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

- **Effective July 1, 2020,** delivery of filings other than by eFiling or the U.S. Postal Service should be delivered to Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

Instructions

OMB submissions must be formatted and filed in accordance with submission guidelines at www.reginfo.gov/public/do/PRAMain; Using the search function under the "Currently Under Review field," select Federal Energy Regulatory Commission; click "submit" and select "comment" to the right of the subject collection.

FERC submissions must be formatted and filed in accordance with submission guidelines at: <http://www.ferc.gov>. For user assistance, contact FERC Online Support by email at ferconlinesupport@ferc.gov, or by phone at: (866) 208-3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <http://www.ferc.gov>.

FOR FURTHER INFORMATION CONTACT:

Ellen Brown may be reached by email at DataClearance@FERC.gov and telephone at (202) 502-8663.

SUPPLEMENTARY INFORMATION:

Title: FERC-725HH, RF Reliability Standards.

OMB Control No.: 1902-0301.

Type of Request: Three-year renewal of FERC-725HH.

Abstract: This collection of information pertains to the Commission's compliance with section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o), which enables the Commission to strengthen the reliability of the "bulk-power system."¹ The Commission's implementation of FPA section 215 involves review and approval of a system of mandatory Reliability Standards that are established and enforced by an "Electric Reliability Organization" (ERO).² The

¹ FPA section 251(a)(1) defines "bulk-power system" as follows: "(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and (B) electric energy from generation facilities needed to maintain transmission system reliability. The term does not include facilities used in the local distribution of electric energy."

² FPA section 215(a)(2) defines "Electric Reliability Organization" as "the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review."

Commission has certified the North American Electric Reliability Corporation (NERC) as the ERO.³

Reliability Standards that the ERO proposes to the Commission may include Reliability Standards that are proposed to the ERO by a Regional Entity.⁴ A Regional Entity is an entity that has been approved by the Commission to enforce Reliability Standards under delegated authority from the ERO.⁵ On March 17, 2011, the Commission approved a regional Reliability Standard submitted by the

ERO that was developed by the ReliabilityFirst Corporation (RF).⁶

RF promotes bulk electric system reliability in the Eastern Interconnection. RF is the Regional Entity responsible for compliance monitoring and enforcement in the RF region. In addition, RF provides an environment for the development of Reliability Standards and the coordination of the operating and planning activities of its members as set forth in the RF bylaws.

There is one regional Reliability Standard in the RF region. The Commission requests renewal of OMB

clearance for that regional Reliability Standard, known as BAL-502-RF-03 (Planning Resource Adequacy Analysis, Assessment and Documentation).

On December 7, 2020, the Commission published a notice in the **Federal Register** inviting public comments on this information collection for 60 days. The Commission received no comments in response.

Type of Respondents: Planning coordinators.

*Estimate of Annual Burden:*⁷ The estimated burden and cost⁸ are as follows:

FERC-725HH, RF RELIABILITY STANDARDS

Entity	Number of respondents ⁹	Annual number of responses per respondent	Annual number of responses	Average burden hours & cost per response (\$)	Total annual burden hours & total annual cost (\$)	Cost per respondent (\$)
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4) = (5)	(5) ÷ (1) = (6)
Planning Coordinators	2	1	2	16 hrs.; \$1,243.52	32 hrs.; \$2,487.04	\$1,243.52

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: March 11, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021-05496 Filed 3-16-21; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2015-0611; FRL-10020-37-ORD]

Board of Scientific Counselors (BOSC) Sustainable and Health Communities Subcommittee Meeting—March 2021

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Environmental Protection Agency (EPA), Office of Research and Development (ORD), gives notice of a series of virtual meetings of the Board of Scientific Counselors (BOSC) Sustainable and Health Communities (SHC) Subcommittee to discuss contaminated sites, including mine waste, solvent vapor intrusion, underground storage tanks, and lead.

DATES:

1. The initial meeting will be held over three days via videoconference:
 - a. Tuesday, March 30, 2021, from 12 p.m. to 5 p.m. (EDT);
 - b. Wednesday, March 31, 2021, from 12 p.m. to 5 p.m. (EDT); and

generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, refer to 5 CFR 1320.3.

⁸ The hourly cost (\$77.72 for salary plus benefits) is the average of mean hourly salaries and benefits for the following occupations:

- Manager (Occupation Code 11-0000): \$94.84/hour
- Engineer (Occupation Code 17-2071): \$85.71/hour

c. Thursday, April 1, 2021, from 12 p.m. to 5 p.m. (EDT).

Attendees must register by March 29, 2021.

2. A BOSC deliberation will be held on April 16, 2021, from 11 a.m. to 2 p.m. (EDT).

Attendees must register by April 15, 2021.

3. A final summary teleconference will be held on April 27, 2021, from 2 p.m. to 5 p.m. (EDT).

Attendees must register by April 26, 2021.

Meeting times are subject to change. This series of meetings are open to the public. Comments must be received by March 29, 2021, to be considered by the subcommittee. Requests for the draft agenda or making a presentation at the meeting will be accepted until March 29, 2021.

ADDRESSES: Instructions on how to connect to the videoconference will be provided upon registration at <https://www.eventbrite.com/e/us-epa-bosc-sustainable-and-healthy-communities-subcommittee-meeting-tickets-131425620569>.

- File Clerk (Occupation Code 43-4071): \$52.60/hour

Salary and benefits data are from the Bureau of Labor Statistics at https://www.bls.gov/oes/current/oes_nat.htm (salaries) and <http://www.bls.gov/news.release/eece.nr0.htm> (benefits).

⁹ The number of respondents is derived from the NERC Compliance Registry as of October 2, 2020 for the burden associated with the proposed regional Reliability Standard BAL-502-RF-03.

³ *North American Electric Reliability Corp.*, 116 FERC ¶ 61,062 (ERO Certification Order), *order on reh'g & compliance*, 117 FERC ¶ 61,126 (2006), *aff'd sub nom. Alcoa, Inc. v. FERC*, 564 F.3d 1342 (D.C. Cir. 2009).

⁴ 16 U.S.C. 824o(e)(4).

⁵ 16 U.S.C. 824o(a)(7) and (e)(4).

⁶ *Planning Resource Adequacy Assessment Reliability Standard*, Order No. 747, 134 FERC ¶ 61,212 (2011).

⁷ Burden is defined as the total time, effort, or financial resources expended by persons to

Submit your comments to Docket ID No. EPA-HQ-ORD-2015-0611 by one of the following methods:

- www.regulations.gov: Follow the online instructions for submitting comments.
- *Note*: comments submitted to the www.regulations.gov website are anonymous unless identifying information is included in the body of the comment.
- *Email*: Send comments by electronic mail (email) to: ORD.Docket@epa.gov, Attention Docket ID No. EPA-HQ-ORD-2015-0611.

▪ *Note*: comments submitted via email are not anonymous. The sender's email will be included in the body of the comment and placed in the public docket which is made available on the internet.

Instructions: All comments received, including any personal information provided, will be included in the public docket without change and may be made available online at www.regulations.gov. Information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute will not be included in the public docket, and should not be submitted through www.regulations.gov or email. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/dockets/>.

Public Docket: Publicly available docket materials may be accessed Online at www.regulations.gov.

Copyrighted materials in the docket are only available via hard copy. The telephone number for the ORD Docket Center is (202) 566-1752.

FOR FURTHER INFORMATION CONTACT: The Designated Federal Officer (DFO), Tom Tracy, via phone/voicemail at: (202) 564-6518; or via email at: tracy.tom@epa.gov.

Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting should contact Tom Tracy no later than March 29, 2021.

SUPPLEMENTARY INFORMATION: The Board of Scientific Counselors (BOSC) is a federal advisory committee that provides advice and recommendations to EPA's Office of Research and Development on technical and management issues of its research programs. The meeting agenda and materials will be posted to <https://www.epa.gov/bosc>.

Proposed agenda items for the meeting include, but are not limited to, the following: Contaminated sites, including mine waste, solvent vapor

intrusion, underground storage tanks, and lead.

Information on Services Available: For information on translation services, access, or services for individuals with disabilities, please contact Tom Tracy at (202) 564-6518 or tracy.tom@epa.gov. To request accommodation of a disability, please contact Tom Tracy at least ten days prior to the meeting to give the EPA adequate time to process your request.

Authority: Pub. L. 92-463, 1, Oct. 6, 1972, 86 Stat. 770.

Mary Ross,

Director, Office of Science Advisor, Policy and Engagement.

[FR Doc. 2021-05516 Filed 3-16-21; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2016-0093; FRL-10017-83]

Pesticides; Final Guidance for Waiving Acute Dermal Toxicity Tests for Pesticide Technical Chemicals and Supporting Retrospective Analysis; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of the final guidance document entitled "Guidance for Waiving Acute Dermal Toxicity Tests for Pesticide Technical Chemicals & Supporting Retrospective Analysis." Guidance documents are issued by the Office of Pesticide Programs (OPP) to inform pesticide registrants and other interested persons about important policies, procedures, and registration related decisions, and serve to provide guidance to pesticide registrants and OPP personnel. This final guidance document provides information to pesticide registrants concerning the Agency's decision to expand the potential for data waivers for acute dermal studies to single technical active ingredients (technical AIs) used to formulate end use products.

FOR FURTHER INFORMATION CONTACT: Tara Flint, Antimicrobial Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (703) 347-0398; email address: flint.tara@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

II. What action is the Agency taking?

A. Authority

This guidance is provided under the authority of FIFRA (7 U.S.C. 136 *et seq.*) and addresses the utility of the acute dermal toxicity study for single technical chemicals in pesticide labelling, such as the signal word and precautionary statements as described in 40 CFR 156.64 and 40 CFR 156.70.

B. Background

EPA's OPP regularly receives acute lethality studies for oral, dermal and inhalation routes along with eye irritation, skin irritation, and skin sensitization—these data are required for both the registration of new and reregistration of existing pesticidal products.

In 2016, OPP published the "Guidance for Waiving Acute Dermal Toxicity Tests for Pesticide Formulations & Supporting Retrospective Analysis" to support the Agency's goal to reduce unnecessary animal testing. The retrospective analysis supports the conclusion that the dermal acute toxicity study for formulations provides little to no added value in regulatory decision making.

In 2017 Canada's Pest Management Regulatory Agency (PMRA) released their *Acute Dermal Toxicity Waiver*. This policy includes both end use products and technical active ingredients. Stakeholders have requested that EPA expand its waiver guidance for technical active ingredients to support North American harmonization.

In 2019 EPA Administrator Wheeler directed Agency leadership to prioritize animal testing reduction efforts.

In 2020, the Agency published the draft guidance for public comment on October 8, 2020 (85 FR 63548), and received supportive comments from stakeholders. Therefore, the Agency is

finalizing the draft guidance as proposed.

This final guidance document expands the potential for data waivers for acute dermal studies to single active ingredient technical chemicals (technical chemicals) used to formulate end use products. The reasoning and analysis in this dermal waiver guidance for technical chemicals is similar to what was presented in the 2016 guidance for end-use products. While more acute toxicity studies are submitted to OPP annually for formulated pesticide products than for technical chemicals, there is still the potential for animal and resource savings from waivers for technical chemical acute toxicity studies. Further, this guidance will allow EPA to harmonize with the PMRA.

III. Do guidance documents contain binding requirements?

As guidance, this document is not binding on the Agency or any outside parties, and the Agency may depart from it where circumstances warrant and without prior notice. While EPA has made every effort to ensure the accuracy of the discussion in the guidance, the obligations of EPA and the regulated community are determined by statutes, regulations, or other legally binding documents. In the event of a conflict between the discussion in the guidance document and any statute, regulation, or other legally binding document, the guidance document will not be controlling.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>. This unit addresses those requirements that apply to a guidance document.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

The Office of Management and Budget (OMB) determined that this is not a significant regulatory action under Executive Order 12866 (58 FR 51735, October 4, 1993). The guidance was not, therefore, submitted to OMB for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act (PRA)

This guidance document does not create any new information collection burden that require additional approval by OMB under the PRA, 44 U.S.C. 3501 *et seq.* Burden is defined in 5 CFR

1320.3(b). The information collection activities associated with pesticide registration are already approved by OMB under OMB Control No. 2070–0060.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in Title 40 of the CFR, after appearing in the **Federal Register**, are listed in 40 CFR, part 9, and included on the related collection instrument, or form, as applicable.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 10, 2021.

Michal Freedhoff,

Acting Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2021–05535 Filed 3–16–21; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

Sunshine Act Meetings; Notice of Open Meeting of the Advisory Committee of the Export-Import Bank of the United States (EXIM)

TIME AND DATE: Tuesday, March 30, 2021 from 2:00–4:00 p.m. EDT.

PLACE: The meeting will be held virtually.

STATUS: Public Participation: The meeting will be open to public participation and time will be allotted for questions or comments submitted online. Members of the public may also file written statements before or after the meeting to external@exim.gov. Interested parties may register for the meeting at <https://register.gotowebinar.com/register/4784313056171425035>.

MATTERS TO BE CONSIDERED: Discussion of EXIM policies and programs to provide competitive financing to expand United States exports and comments for inclusion in EXIM's Report to the U.S. Congress on Global Export Credit Competition.

CONTACT PERSON FOR MORE INFORMATION: For further information, contact Lee Stewart, Director of External Engagement, at 202–565–3773.

Joyce B. Stone,

Assistant Corporate Secretary.

[FR Doc. 2021–05631 Filed 3–15–21; 4:15 pm]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[FRS 17569]

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Rescindment of two systems of records notices.

SUMMARY: The Federal Communications Commission (FCC) proposes to rescind two systems of records, FCC/OMD–20, Inter-office and Internet Email Systems, and FCC/OMD–22, Equipment Loan Records. The systems contained information concerning the names, email addresses, passwords, and badge numbers of FCC employees and contractors, as well as loaned electronic equipment, e.g., laptops, pagers, cellular telephones, and RSA Secure Tokens by the FCC to employees.

DATES: This action will become effective on April 16, 2021.

ADDRESSES: Send comments to the Privacy Team, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, or Privacy@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Margaret Drake, Privacy Team, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, 202–418–1707, or Privacy@fcc.gov.

SUPPLEMENTARY INFORMATION: The Privacy Act provides that an agency may only collect or maintain in its records information about individuals that is relevant and necessary to accomplish a purpose that is required by a statute or executive order. If a system of records is comprised of records that no longer meet this standard, the Privacy Act may require agencies to stop maintaining the system and expunge the records in accordance with the requirements in the SORN and the applicable records retention or disposition schedule approved by the National Archives and Records Administration. The System manager has deemed these systems obsolete and has declared that the records are no longer relevant to accomplish an agency mission/purpose identified. The categories of records in this system are no longer collectively maintained in a system of records. Therefore, consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A.108, the FCC proposes to rescind these two systems.

SYSTEM NAME(S) AND NUMBER(S):

The FCC/OMD–20, Inter-office and Internet Email Systems, and FCC/OMD–22, Equipment Loan Records.

HISTORY:

71 FR 17265 (Apr. 5, 2006) and 71 FR 17267 (Apr. 5, 2006).

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2021–05541 Filed 3–16–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[17567]

**Open Commission Meeting
Wednesday, March 17, 2021**

March 10, 2021.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, March 17, 2021, which is scheduled to commence at 10:30 a.m.

Due to the current COVID–19 pandemic and related agency telework and headquarters access policies, this meeting will be in a wholly electronic format and will be open to the public on the internet via live feed from the FCC's web page at www.fcc.gov/live and on the FCC's YouTube channel.

Item No.	Bureau	Subject
1	PUBLIC SAFETY & HOMELAND SECURITY.	<i>Title:</i> Promoting Public Safety Through Information Sharing (PS Docket No. 15–80). <i>Summary:</i> The Commission will consider a Second Report and Order that would provide state and federal agencies with direct, read-only access to communications outage data for public safety purposes while also preserving the confidentiality of that data.
2	PUBLIC SAFETY & HOMELAND SECURITY.	<i>Title:</i> Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System (PS Docket No. 15–94); Wireless Emergency Alerts (PS Docket No. 15–91). <i>Summary:</i> The Commission will consider a Notice of Proposed Rulemaking and Notice of Inquiry to implement section 9201 of the National Defense Authorization Act for Fiscal Year 2021, which is intended to improve the way the public receives emergency alerts on their mobile phones, televisions, and radios.
3	WIRELESS TELE-COMMUNICATIONS OFFICE OF ECONOMICS AND ANALYTICS, AND OFFICE OF ENGINEERING AND TECHNOLOGY.	<i>Title:</i> Facilitating Shared Use in the 3.45 GHz Band (WT Docket No. 19–348). <i>Summary:</i> The Commission will consider a Second Report and Order that would establish rules to create a new 3.45 GHz Service operating between 3.45–3.55 GHz, making 100 megahertz of mid-band spectrum available for flexible use throughout the contiguous United States.
4	OFFICE OF ECONOMICS AND ANALYTICS.	<i>Title:</i> Auctioning Flexible-Use Service Licenses in the 3.45–3.55 GHz Band (AU Docket No. 21–62). <i>Summary:</i> The Commission will consider a Public Notice that would seek comment on application and bidding procedures for Auction 110, the auction of flexible use licenses in the 3.45–3.55 GHz band.
5	WIRELESS TELE-COMMUNICATIONS OFFICE OF ECONOMICS AND ANALYTICS OFFICE OF ENGINEERING AND TECHNOLOGY INTERNATIONAL WIRELINE COMPETITION AND PUBLIC SAFETY AND HOMELAND SECURITY.	<i>Title:</i> Promoting the Deployment of 5G Open Radio Access Networks (GN Docket No. 21–63). <i>Summary:</i> The Commission will consider a Notice of Inquiry seeking comment on the current status of Open Radio Access Networks (Open RAN) and virtualized network environments, including potential obstacles to their development and deployment, and whether and how deployment of Open RAN-compliant networks could further the Commission's policy goals and statutory obligations.
6	INTERNATIONAL	<i>Title:</i> National Security Matter. <i>Summary:</i> The Commission will consider a national security matter.
7	INTERNATIONAL	<i>Title:</i> National Security Matter. <i>Summary:</i> The Commission will consider a national security matter.
8	ENFORCEMENT	<i>Title:</i> Enforcement Bureau Action. <i>Summary:</i> The Commission will consider an Enforcement Bureau Action.

* * * * *

The meeting will be webcast with open captioning at: www.fcc.gov/live. Open captioning will be provided as well as a text only version on the FCC website. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted but may be impossible to fill. Send an email to: fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202–418–0530.

Additional information concerning this meeting may be obtained from the Office of Media Relations, (202) 418–0500. Audio/Video coverage of the meeting will be broadcast live with open captioning over the internet from the FCC Live web page at www.fcc.gov/live.

Federal Communications Commission.

Marlene Dortch,
Secretary.

[FR Doc. 2021–05540 Filed 3–16–21; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM**Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies

owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551-0001, not later than April 16, 2021.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Texas Community Bancshares, Inc., Mineola, Texas*; to become a bank holding company by acquiring Mineola Community Bank, S.S.B., in connection with the proposed second-step conversion of Mineola Community Mutual Holding Company, both of Mineola, Texas, from the mutual to stock form of ownership.

Board of Governors of the Federal Reserve System, March 12, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-05523 Filed 3-16-21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association.

The public portions of the applications listed below, as well as other related filings required by the

Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on whether the proposed transaction complies with the standards enumerated in the HOLA (12 U.S.C. 1467a(e)).

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551-0001, not later than April 16, 2021.

A. Federal Reserve Bank of Philadelphia (William Spaniel, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521. Comments can also be sent electronically to

Comments.applications@phil.frb.org:

1. *NorthEast Community Bancorp, MHC, White Plains, New York*; to convert from mutual to stock form. As part of the conversion, NorthEast Community Bancorp, MHC, and NorthEast Community Bancorp, Inc., an existing mid-tier savings and loan holding company, will cease to exist and NorthEast Community Bank will become a wholly-owned subsidiary of NorthEast Community Bancorp, Inc., all of White Plains, New York, a newly-formed Maryland corporation, which has applied to become a savings and loan holding company, pursuant to section 10(e) of the HOLA, by acquiring NorthEast Community Bank.

Board of Governors of the Federal Reserve System, March 11, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-05461 Filed 3-16-21; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the

applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington DC 20551-0001, not later than March 29, 2021.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198-0001:

1. *Michael Plate, Alma, Nebraska*; to become trustee of The Banner County Ban Corp Employee Stock Ownership Plan and Trust, and thereby indirectly acquire voting shares of Banner County Ban Corporation and its subsidiary, Banner Capital Bank, all of Harrisburg, Nebraska. Additionally, *Michael Plate, Alma, Nebraska*; to acquire voting shares of Banner County Ban Corporation, and thereby indirectly acquire voting shares of Banner Capital Bank; and *Rebecca Plate, Ogallala, Nebraska*; to retain voting shares of Banner County Ban Corporation and thereby indirectly retain voting shares of Banner Capital Bank; and both individuals to join the Olsen/Wynne/Plate Control Group, a group acting in concert.

Board of Governors of the Federal Reserve System, March 11, 2021.

Michele Taylor Fennell,

Deputy Associate Secretary of the Board.

[FR Doc. 2021-05462 Filed 3-16-21; 8:45 am]

BILLING CODE P

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Notice of Board Meeting

DATES: March 23, 2021 at 10 a.m.

ADDRESSES: Telephonic. Dial-in (listen only) information: Number: 1-415-527-5035, Code: 199 745 8032; or via web:

<https://tspmeet.webex.com/tspmeet/onstage/g.php?MTID=e7e11130c35cb77c504e21ee0db2a2b5>.

FOR FURTHER INFORMATION CONTACT: Kimberly Weaver, Director, Office of External Affairs, (202) 942-1640.

SUPPLEMENTARY INFORMATION:

Board Meeting Agenda

Open Session

1. Approval of the February 23, 2021 Board Meeting Minutes
2. Monthly Reports
 - (a) Participant Activity Report
 - (b) Investment Performance
 - (c) Legislative Report
3. Quarterly Reports
 - (d) Vendor Risk Management Update
4. Multi-asset Manager Update
5. Federal Employee Viewpoint Survey (FEVS) Report
6. Enterprise Risk Management Update

Closed Session

7. Information covered under 5 U.S.C. 552b (c)(4).

Authority: 5 U.S.C. 552b (e)(1).

Dated: March 11, 2021.

Dharmesh Vashee,

Acting General Counsel, Federal Retirement Thrift Investment Board.

[FR Doc. 2021-05465 Filed 3-16-21; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-9127-N]

Medicare and Medicaid Programs; Quarterly Listing of Program Issuances—October Through December 2020

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This quarterly notice lists CMS manual instructions, substantive and interpretive regulations, and other **Federal Register** notices that were published from October through December 2020, relating to the Medicare and Medicaid programs and other programs administered by CMS.

FOR FURTHER INFORMATION CONTACT: It is possible that an interested party may need specific information and not be able to determine from the listed information whether the issuance or regulation would fulfill that need. Consequently, we are providing contact persons to answer general questions concerning each of the addenda published in this notice.

Addenda	Contact	Phone Number
I CMS Manual Instructions	Ismael Torres	(410) 786-1864
II Regulation Documents Published in the Federal Register	Terri Plumb	(410) 786-4481
III CMS Rulings	Tiffany Lafferty	(410) 786-7548
IV Medicare National Coverage Determinations	Wanda Belle, MPA	(410) 786-7491
V FDA-Approved Category B IDEs	John Manlove	(410) 786-6877
VI Collections of Information	William Parham	(410) 786-4669
VII Medicare –Approved Carotid Stent Facilities	Sarah Fulton, MHS	(410) 786-2749
VIII American College of Cardiology-National Cardiovascular Data Registry Sites	Sarah Fulton, MHS	(410) 786-2749
IX Medicare’s Active Coverage-Related Guidance Documents	JoAnna Baldwin, MS	(410) 786-7205
X One-time Notices Regarding National Coverage Provisions	JoAnna Baldwin, MS	(410) 786-7205
XI National Oncologic Positron Emission Tomography Registry Sites	David Dolan, MBA	(410) 786-3365
XII Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities	David Dolan, MBA	(410) 786-3365
XIII Medicare-Approved Lung Volume Reduction Surgery Facilities	Sarah Fulton, MHS	(410) 786-2749
XIV Medicare-Approved Bariatric Surgery Facilities	Sarah Fulton, MHS	(410) 786-2749
XV Fluorodeoxyglucose Positron Emission Tomography for Dementia Trials	David Dolan, MBA	(410) 786-3365
All Other Information	Annette Brewer	(410) 786-6580

SUPPLEMENTARY INFORMATION:

I. Background

The Centers for Medicare & Medicaid Services (CMS) is responsible for administering the Medicare and Medicaid programs and coordination and oversight of private health insurance. Administration and oversight of these programs involves the following: (1) Furnishing information to Medicare and Medicaid beneficiaries, health care providers, and the public; and (2) maintaining effective communications with CMS regional offices, state governments, state Medicaid agencies, state survey agencies, various providers of health care, all Medicare contractors that process claims and pay bills, National Association of Insurance Commissioners (NAIC), health insurers, and other

stakeholders. To implement the various statutes on which the programs are based, we issue regulations under the authority granted to the Secretary of the Department of Health and Human Services under sections 1102, 1871, 1902, and related provisions of the Social Security Act (the Act) and Public Health Service Act. We also issue various manuals, memoranda, and statements necessary to administer and oversee the programs efficiently.

Section 1871(c) of the Act requires that we publish a list of all Medicare manual instructions, interpretive rules, statements of policy, and guidelines of general applicability not issued as regulations at least every 3 months in the **Federal Register**.

II. Format for the Quarterly Issuance Notices

This quarterly notice provides only the specific updates that have occurred in the 3-month period along with a hyperlink to the full listing that is available on the CMS website or the appropriate data registries that are used as our resources. This is the most current up-to-date information and will be available earlier than we publish our quarterly notice. We believe the website list provides more timely access for beneficiaries, providers, and suppliers. We also believe the website offers a more convenient tool for the public to find the full list of qualified providers for these specific services and offers more flexibility and “real time” accessibility. In addition, many of the websites have listservs; that is, the public can subscribe and receive

immediate notification of any updates to the website. These listservs avoid the need to check the website, as notification of updates is automatic and sent to the subscriber as they occur. If assessing a website proves to be difficult, the contact person listed can provide information.

III. How To Use the Notice

This notice is organized into 15 addenda so that a reader may access the

subjects published during the quarter covered by the notice to determine whether any are of particular interest. We expect this notice to be used in concert with previously published notices. Those unfamiliar with a description of our Medicare manuals should view the manuals at <http://www.cms.gov/manuals>.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Seema Verma, having reviewed and

approved this document, authorizes Trenesha Fultz-Mimms, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: February 22, 2021.

Trenesha Fultz-Mimms,

Federal Register Liaison, Department of Health and Human Services.

BILLING CODE 4120-01-P

Publication Dates for the Previous Four Quarterly Notices

We publish this notice at the end of each quarter reflecting information released by CMS during the previous quarter. The publication dates of the previous four Quarterly Listing of Program Issuances notices are: February 13, 2020 (85 FR 8282), April 24, 2020 (85 FR 23030), August 12, 2020 (85 FR 48691), and November 4, 2020 (85 FR 70168). We are providing only the specific updates that have occurred in the 3-month period along with a hyperlink to the website to access this information and a contact person for questions or additional information.

Addendum I: Medicare and Medicaid Manual Instructions (October through December 2020)

The CMS Manual System is used by CMS program components, partners, providers, contractors, Medicare Advantage organizations, and State Survey Agencies to administer CMS programs. It offers day-to-day operating instructions, policies, and procedures based on statutes and regulations, guidelines, models, and directives. In 2003, we transformed the CMS Program Manuals into a web user-friendly presentation and renamed it the CMS Online Manual System.

How to Obtain Manuals

The Internet-only Manuals (IOMs) are a replica of the Agency's official record copy. Paper-based manuals are CMS manuals that were officially released in hardcopy. The majority of these manuals were transferred into the Internet-only manual (IOM) or retired. Pub 15-1, Pub 15-2 and Pub 45 are exceptions to this rule and are still active paper-based manuals. The remaining paper-based manuals are for reference purposes only. If you notice policy contained in the paper-based manuals that was not transferred to the IOM, send a message via the CMS Feedback tool.

Those wishing to subscribe to old versions of CMS manuals should contact the National Technical Information Service, Department of Commerce, 5301 Shawnee Road, Alexandria, VA 22312 Telephone (703-605-6050). You can download copies of the listed material free of charge at: <http://cms.gov/manuals>.

How to Review Transmittals or Program Memoranda

Those wishing to review transmittals and program memoranda can access this information at a local Federal Depository Library (FDL). Under the FDL program, government publications are sent to approximately 1,400 designated libraries throughout the United States. Some FDLs may have arrangements to transfer material to a local library not designated as an FDL. Contact any library to locate the nearest FDL. This information is available at <http://www.gpo.gov/libraries/>

In addition, individuals may contact regional depository libraries that receive and retain at least one copy of most federal government

publications, either in printed or microfilm form, for use by the general public. These libraries provide reference services and interlibrary loans; however, they are not sales outlets. Individuals may obtain information about the location of the nearest regional depository library from any library. CMS publication and transmittal numbers are shown in the listing entitled Medicare and Medicaid Manual Instructions. To help FDLs locate the materials, use the CMS publication and transmittal numbers. For example, to find the manual for Update to Medicare Deductible, Coinsurance and Premium Rates for Calendar Year (CY) 2021, use (CMS-Pub. 100-01) Transmittal No. 10469.

Addendum I lists a unique CMS transmittal number for each instruction in our manuals or program memoranda and its subject number. A transmittal may consist of a single or multiple instruction(s). Often, it is necessary to use information in a transmittal in conjunction with information currently in the manual.

Fee-For-Service Transmittal Numbers

Please Note: Beginning Friday, March 20, 2020, there will be the following change regarding the Advance Notice of Instructions due to a CMS internal process change. Fee-For-Service Transmittal Numbers will no longer be determined by Publication. The Transmittal numbers will be issued by a single numerical sequence beginning with Transmittal Number 10000.

For the purposes of this quarterly notice, we list only the specific updates to the list of manual instructions that have occurred in the 3-month period. This information is available on our website at www.cms.gov/Manuals.

Transmittal Number	Manual/Subject/Publication Number
Medicare General Information (CMS-Pub. 100-01)	
10447	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10461	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10469	Update to Medicare Deductible, Coinsurance and Premium Rates for Calendar Year (CY) 2021
10493	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10507	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
Medicare Benefit Policy (CMS-Pub. 100-02)	
10437	Manual Updates Related to the Hospice Election Statement and the Implementation of the Election Statement Addendum Hospice Election Statement Hospice Election Statement Addendum Hospice Notice of Election Short-Term Inpatient Care
10438	Home Health Manual Update to Incorporate Allowed Practitioners into Home Health Policy

10451	Implementation of Changes in the End-Stage Renal Disease (ESRD) Prospective Payment System (PPS) and Payment for Dialysis Furnished for Acute Kidney Injury (AKI) in ESRD Facilities for Calendar Year (CY) 2021	10385	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
10463	Billing for Home Infusion Therapy Services On or After January 1, 2021 Home Infusion Therapy Services General Requirements for Payment of Home Infusion Therapy Services Home Infusion Therapy Services Benefit is Separate from DME Benefit Qualified Home Infusion Therapy Suppliers Patient Eligibility for Home Infusion Therapy Home Infusion Therapy Services for Homebound Patients Plan of Care Requirements Notification of Available Infusion Therapy Options Plan of Care Periodic Review and Provider Coordination Professional Services, Including Nursing Services, for Home Infusion Home Infusion Therapy Services Training and Education Remote Monitoring and Monitoring Services Home Infusion Therapy Drugs Determining Qualifying Home Infusion Drugs Payment for Home Infusion Therapy Services Home Infusion Drug Payment Categories Infusion Drug Administration Calendar Day and Unit of Single Payment Initial Visits and Subsequent Visits for Home Infusion Therapy Services Medical Review	10386	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
10490	Implementation of Changes in the End-Stage Renal Disease (ESRD) Prospective Payment System (PPS) and Payment for Dialysis Furnished for Acute Kidney Injury (AKI) in ESRD Facilities for Calendar Year (CY) 2021	10388	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10541	January 2021 Update of the Hospital Outpatient Prospective Payment System (OPPS)	10390	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10547	Billing for Home Infusion Therapy Services On or After January 1, 2021 TOC Home Infusion Therapy Services General Requirements for Payment of Home Infusion Therapy Services Home Infusion Therapy Services Benefit is Separate from DME Benefit Qualified Home Infusion Therapy Suppliers Patient Eligibility for Home Infusion Therapy Home Infusion Therapy Services for Homebound Patients Plan of Care Requirements Notification of Available Infusion Therapy Options Plan of Care Periodic Review and Provider Coordination Professional Services, Including Nursing Services, for Home Infusion Therapy Home Infusion Therapy Services Training and Education Remote Monitoring and Monitoring Services Home Infusion Therapy Drugs Determining Qualifying Home Infusion Drugs Payment for Home Infusion Therapy Services Home Infusion Drug Payment Categories Infusion Drug Administration Calendar Day and Unit of Single Payment Initial Visits and Subsequent Visits for Home Infusion Therapy Services Medical Review	10391	January 2021 Quarterly Average Sales Price (ASP) Medicare Part B Drug Pricing Files and Revisions to Prior Quarterly Pricing Files
		10396	Ambulance Inflation Factor (AIF) for Calendar Year (CY) 2021 and Productivity Adjustment Ambulance Inflation Factor (AIF)
		10397	New Waived Tests
		10398	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
		10399	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
		10402	Change to the Payment of Allogeneic Stem Cell Acquisition Services
		10403	Penalty for Delayed Request for Anticipated Payment (RAP) Submission -- Implementation
		10407	Internet Only Manual Update, Pub. 100-04, Chapter 11 - This CR Rescinds and Fully Replaces CR 11807
		10408	Quarterly Update to the Medicare Physician Fee Schedule Database (MPFSDB) - October 2020 Update
		10410	October Quarterly Update for 2020 Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Fee Schedule
		10413	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
		10414	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
		10416	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
		10421	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
		10423	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
		10425	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
		10426	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
		10428	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
		10431	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
		10433	Quarterly Update to Home Health (HH) Grouper
		10435	Issued to a specific audience, not posted to Internet/Intranet due to a Sensitivity of Instruction
		10439	Home Health Prospective Payment System (HH PPS) Rate Update for Calendar Year (CY) 2021
		10440	Instructions for Retrieving the 2021 Pricing and Healthcare Common Procedure Coding System (HCPCS) Data Files through CMS' Mainframe Telecommunications Systems
		10441	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
		10443	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10454	National Coverage Determination (NCD 110.24); Chimeric Antigen Receptor (CAR) T-cell Therapy		
10382	October 2020 Integrated Outpatient Code Editor (IOCE) Specifications Version 21.3		

10514	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
10516	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
10521	New Medicare National Uniform Billing Committee (NUBC) Type of Bill (TOB), Condition Code and implementing Billing Codes for Opioid Treatment Programs Practitioner Claims submission – A/B MAC (B) Institutional Opioid Treatment Program (OTP) Services – A/B MAC (A) Special Opioid Treatment Program Billing Requirements for Hospitals, Critical Access Hospitals, and Free-Standing Opioid Treatment Program Facilities
10522	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10523	Calendar Year (CY) 2021 Annual Update for Clinical Laboratory Fee Schedule and Laboratory Services Subject to Reasonable Charge Payment
10531	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10534	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10535	Quarterly Update to the National Correct Coding Initiative (NCCI) Procedure-to-Procedure (PTP) Edits, Version 27.1, Effective April 1, 2021
10540	January 2021 Integrated Outpatient Code Editor (IOCE) Specifications Version 22.0
10542	2021 Annual Update to the Therapy Code List
10543	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction
10546	January 2021 Update of the Ambulatory Surgical Center (ASC) Payment System
10547	Billing for Home Infusion Therapy Services On or After January 1, 2021 Home Infusion Therapy Services Policy Coverage Requirements Home Infusion Drugs: Healthcare Common Procedural Coding System (HCPCS) Drug Codes Billing and Payment Requirements Claim Adjustment Reason Codes, Remittance Advice Remark Codes, Group Codes, and Medicare Summary Notice Messages CWF and MCS Editing Requirements
Medicare Secondary Payer (CMS-Pub. 100-05)	
10401	Electronic Correspondence Referral System (ECRS) User Guide Updates ECRS Web User Guide, Software Version 6.4 ECRS Web Quick Reference Card, Version 2020/5
Medicare Financial Management (CMS-Pub. 100-06)	
10387	The Fiscal Intermediary Shared System (FISS) Submission of Copybook Files to the Provider and Statistical Reimbursement (PS&R) System
10394	Notice of New Interest Rate for Medicare Overpayments and Underpayments - 1st Qtr Notification for FY 2021
10405	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10521	New Medicare National Uniform Billing Committee (NUBC) Type of Bill (TOB), Condition Code and Implementing Billing Codes for Opioid Treatment Programs Type of Bill
10527	Pub. 100-06, Chapter 4, Section 10 Revision (New Accounts Receivable (AR) Status Codes for Undeliverable Initial Demand Letters and Terminated/Out of Business Providers) Requirements for Collecting Part A and B Provider Non-MSP Overpayments

10444	Confidentiality of Instructions Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10445	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10448	Updates to Skilled Nursing Facility (SNF) Patient Driven Payment Model (PDPM) Claims Patient Readmitted Within 30 Days After Discharge Total and Noncovered Charges
10453	Internet Only Manual Update, Pub. 100-04, Chapter 11 - This Change Request (CR) Rescinds and Fully Replaces CR 11807.
10454	National Coverage Determination (NCD 110.24): Chimeric Antigen Receptor (CAR) T-cell Therapy
10456	Update to Vaccine Services Editing
10457	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10460	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10463	Billing for Home Infusion Therapy Services On or After January 1, 2021
10472	Remittance Advice Remark Code (RARC), Claims Adjustment Reason Code (CARC), Medicare Remit Easy Print (MIREP) and PC Print Update Claim Status Category and Claim Status Codes Update
10473	Combined Common Edits/Enhancements Modules (CCEM) Code Set Update
10476	Internet Only Manual Update, Pub. 100-04, Chapter 11 - This CR Rescinds and Fully Replaces CR 11807.
10485	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10487	Home Health Prospective Payment System (HHH PPS) Rate Update for Calendar Year (CY) 2021
10488	Shared System Support Hours for Application Programming Interfaces (APIs)
10494	April 2021 Update to the Fiscal Year (FY) 2021 Inpatient Prospective Payment System (IPPS)
10496	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10497	Update to the Federally Qualified Health Center (FQHC) Prospective Payment System (PPS) for Calendar Year (CY) 2021 - Recurring File Update
10498	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10502	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10503	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10504	2021 Update for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) Fee Schedule
10505	Summary of Policies in the Calendar Year (CY) 2021 Medicare Physician Fee Schedule (MPFS) Final Rule, Telehealth Originating Site Facility Fee Payment Amount and Telehealth Services List, CT Modifier Reduction List, and Preventive Services List
10506	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10510	Instructions for Downloading the Medicare ZIP Code Files for April 2021
10511	Calendar Year (CY) 2021 Participation Enrollment and Medicare Participating Physicians and Suppliers Directory (MEDPARD) Procedures
10512	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instructions
10513	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instruction

	Legal Business Name National Provider Identifier (NPI) Final Adverse Actions Owning and Managing Information Billing Agencies Contact Persons Medicare Payment Participation (Par) Agreements and the Acceptance of Assignment Opting-Out of Medicare Ordering/Certifying Suppliers
10536	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
10538	Clarifying The Use of As-Needed/PRN Orders for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Evidence of Medical Necessity
10539	Issued to a specific audience, not posted to Internet/Intranet due to Confidentiality of Instruction
Medicare Contractor Beneficiary and Provider Communications (CMS-Pub. 100-09)	
10455	Updates to Pub. 100-09, Chapter 6 Beneficiary and Provider Communications Manual, Chapter 6, Provider Customer Service Program
Medicare Quality Improvement Organization (CMS-Pub. 100-10)	
	None
Medicare End Stage Renal Disease Network Organizations (CMS Pub 100-14)	
	None
Medicaid Program Integrity Disease Network Organizations (CMS Pub 100-15)	
	None
Medicare Managed Care (CMS-Pub. 100-16)	
	None
Medicare Business Partners Systems Security (CMS-Pub. 100-17)	
	None
Medicare Prescription Drug Benefit (CMS-Pub. 100-18)	
	None
Demonstrations (CMS-Pub. 100-19)	
10392	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions
10415	Primary Care First (PCF) and Serious Illness Patient (SIP) Models: Part 3: IURs and Edits for Non-Sequential Claims
10465	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions
10466	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions
10479	Implementation of Nurse Practitioners Certifying Diabetic Shoe Orders Under the Primary Care First (PCF) Model
10482	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions
10483	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions
10484	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions
10517	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions
10518	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions
10526	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions

Medicare State Operations Manual (CMS-Pub. 100-07)	
	None
Medicare Program Integrity (CMS-Pub. 100-08)	
10383	Updates to Chapters 4, 5, 8, 15, and Exhibits of Publication (Pub.) 100-08
10439	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10400	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10404	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10406	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10411	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10418	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10419	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10420	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10434	Update to Chapter 10 of Publication (Pub.) 100-08 - Enrollment Policies for Home Infusion Therapy (HIT) Suppliers
10436	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10442	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10450	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10467	Update to Chapter 10 of Publication (Pub.) 100-08 - Enrollment Policies for Home Infusion Therapy (HIT) Suppliers
10468	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10480	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10481	Issued to a specific audience, not posted to Internet/Intranet due to Sensitivity of Instructions
10489	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction
10492	Clarifying The Use of As-Needed/PRN Orders for Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)
10509	Unified Program Integrity Contractor (UPIC) Coordination with Other Contractors Related to the Recovery Audit Contractor (RAC) Data Warehouse (RACDW) - Exclusion Clarification UPIC Coordination with Other Contractors Related to the RAC Data Warehouse
10524	Chapter 15 of Publication (Pub.) 100-08 Manual Redesign - Additional Release of Chapter 10Enrolling to Receive Medicare Payment General Summary of Process to Enroll in Medicare General Overview of Medicare Enrollment Application Forms Suppliers That Enroll Via the Form CMS-855S Medicare Enrollment Forms: Information and Processing CMS-855 Series Enrollment Forms: Information and Processing Enrollment Form: Information and Processing Other Enrollment Forms: Information and Processing Additional Topics Pertaining to Medicare Enrollment Certified Providers/Suppliers Establishing Effective Dates

10501	Shared Systems Report of Medicare Summary Notice (MSN) Counts by Type
10508	Update to the Fiscal Intermediary Shared System (FISS) Integrated Outpatient Code Editor (IOCE) Claim and Return Buffer Interface Changes
10515	International Classification of Diseases, 10th Revision (ICD-10) and Other Coding Revisions to National Coverage Determination (NCDs)—April 2021
10520	Updates to Nursing and Allied Health Education Medicare Advantage Payment Policies
10525	Implementation of the New Ambulatory Surgical Center (ASC) Payment Indicator “K5”
10528	Updating Calendar Year (CY) 2021 Medicare Diabetes Prevention Program (MDPP) Payment Rates
10529	Addition of the QW modifier to Healthcare Common Procedure Coding System (HCPCS) Codes 87811 and 87428
10530	Instructions to Medicare Administration Contractor (MAC) on COVID-19 Emergency Declaration Blanket Waivers for Medicare-Dependent, Small Rural Hospitals and Sole Community Hospitals
10545	ESRD Treatment Choices (ETC) Model Implementation: Home Dialysis Payment Adjustment (HDPA) & Waiver of the Kidney Disease Education (KDE) Benefit
Medicare Quality Reporting Incentive Programs (CMS Pub. 100-22)	
	None
	State Payment of Medicare Premiums (CMS Pub. 100-24)
	None
Information Security Acceptable Risk Safeguards (CMS Pub. 100-25)	
10459	Issued to a specific audience, not posted to Internet/Intranet due to a Confidentiality of Instruction

Addendum II: Regulation Documents Published in the Federal Register (October through December 2020)

Regulations and Notices

Regulations and notices are published in the daily **Federal Register**. To purchase individual copies or subscribe to the **Federal Register**, contact GPO at www.gpo.gov/fdsys. When ordering individual copies, it is necessary to cite either the date of publication or the volume number and page number.

The **Federal Register** is available as an online database through **GPO Access**. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) through the present date and can be accessed at <http://www.gpoaccess.gov/fr/index.html>. The following website <http://www.archives.gov/federal-register/> provides information on how to access electronic editions, printed editions, and reference copies.

This information is available on our website at:

<https://www.cms.gov/files/document/regs4q20qpu.pdf>

For questions or additional information, contact Terri Plumb (410-786-4481).

10533	Telehealth Expansion Benefit Enhancement under the Pennsylvania Rural Health Model (PARHM) – Implementation
10537	Primary Care First (PCF) and Serious Illness Patient (SIP) Models: Part 2: FFS Payments and Other Claims-Based Adjustments
One Time Notification (CMS Pub. 100-20)	
10409	Utility to Reprocess Bypassed Common Working File (CWF) Informational Unsolicited Responses (URs)
10412	Special Provisions for Radiology Additional Documentation Requests
10417	Update to the Fiscal Intermediary Shared System (FISS) Integrated Outpatient Code Editor (IOCE) Claim and Return Buffer Interface Changes
10422	Send Electronic Funds Transfer (EFT) Information from Provider Enrollment Chain and Ownership System (PECOS) to Multi-Carrier System (MCS) Phase 2
10424	Health Insurance Portability and Accountability Act (HIPAA) Electronic Data Interchange (EDI) Front End Updates for April 2021
10429	Processing of Multiple Unsolicited Responses on the Same Home Health Claims
10430	Treatment Choices (ETC) Model Implementation: Home Dialysis Payment Adjustment (HDPA) & Waiver of the Kidney Disease Education (KDE) Benefit
10432	International Classification of Diseases, 10th Revision (ICD-10) and Other Coding Revisions to National Coverage Determination (NCDs)—April 2021
10446	Viable Information Processing Systems (VIPS) Medicare Systems (VMS) Changes to Accommodate National Provider Identifier Associations
10449	Part A Opt Out Common Working File (CWF) Report
10452	Implementation of the Award for the Jurisdiction 6 Part A and Part B Medicare Administrative Contractor (I-6 A/B MAC)
10458	Direct Mailing Notification to Hospice Providers Regarding the Hospice Benefit Component, Value-Based Insurance Design (VBID) Model, for Participating Medicare Advantage Organizations (MAOs)
10462	Implementation of the Award for the Jurisdiction C Durable Medical Equipment Medicare Administrative Contractor (JC DME MAC)
10470	Implementation of Two (2) New NUBC Condition Codes, Condition Code “90”; “Service provided as Part of an Expanded Access Approval (EAA)” and Condition Code “91”; “Service Provided as Part of an Emergency Use Authorization (EUA)”
10471	Provide Systematic Auto-Inactivation of SuperOp Events for Related Entity Action Records (EARs) in VIPS Medicare System (VMS) – Implementation of User CR 11397
10475	April 2021 Healthcare Common Procedure Coding System (HCPCS) Quarterly Update Reminder
10478	User CR: VIPS Medicare System (VMS) - Create a Beneficiary Record Submitted with Medicare Beneficiary Identifier (MBI) Waiver Claims
10486	Updates to Nursing and Allied Health Education Medicare Advantage Payment Policies
10491	Medicare Administrative Contractors (MACs) to Allow Medicare Diabetes Prevention Program (MDPP) Suppliers to Use the Same Centers for Disease Control (CDC) Organizational Codes
10495	ESRD Treatment Choices (ETC) Model Implementation: Home Dialysis Payment Adjustment (HDPA) & Waiver of the Kidney Disease Education (KDE) Benefit
10499	COBOL Version 6.2 Upgrade - Phased Implementation for VIPS Medicare System (VMS) and the Common Working File (CWF)
10500	COBOL Version 6.2 Upgrade - Phased Implementation for Fiscal Intermediary Shared System (FISS) and Multi Carrier System (MCS)

Addendum III: CMS Rulings (October through December 2020)

CMS Rulings are decisions of the Administrator that serve as precedent final opinions and orders and statements of policy and interpretation. They provide clarification and interpretation of complex or ambiguous provisions of the law or regulations relating to Medicare, Medicaid, Utilization and Quality Control Peer Review, private health insurance, and related matters.

The rulings can be accessed at <http://www.cms.gov/Regulations-and-Guidance/Guidance/Rulings>. For questions or additional information, contact Tiffany Lafferty (410-786-7548).

Addendum IV: Medicare National Coverage Determinations (October through December 2020)

Addendum IV includes completed national coverage determinations (NCDs), or reconsiderations of completed NCDs, from the quarter covered by this notice. Completed decisions are identified by the section of the NCD Manual (NCDM) in which the decision appears, the title, the date the publication was issued, and the effective date of the decision. An NCD is a determination by the Secretary for whether or not a particular item or service is covered nationally under the Medicare Program (title XVIII of the Act), but does not include a determination of the code, if any, that is assigned to a particular covered item or service, or payment determination for a particular covered item or service. The entries below include information concerning completed decisions, as well as sections on program and decision memoranda, which also announce decisions or, in some cases, explain why it was not appropriate to issue an NCD.

Information on completed decisions as well as pending decisions has also been posted on the CMS website. For the purposes of this quarterly notice, we are providing only the specific updates to national coverage determinations (NCDs), or reconsiderations of completed NCDs published in the 3-month period. This information is available at: www.cms.gov/medicare-coverage-database/. For questions or additional information, contact Wanda Belle, MPA (410-786-7491).

Title	NCDM Section	Transmittal Number	Issue Date	Effective Date
Chimeric Antigen Receptor (CAR) T-cell Therapy for Cancers	NCD 110.24	10454	11/31/2020	08/17/2019

Addendum V: FDA-Approved Category B Investigational Device Exemptions (IDEs) (October through December 2020)

(Inclusion of this addenda is under discussion internally.)

Addendum VI: Approval Numbers for Collections of Information

(October through December 2020)

All approval numbers are available to the public at Reginfo.gov. Under the review process, approved information collection requests are assigned OMB control numbers. A single control number may apply to several related information collections. This information is available at www.reginfo.gov/public/do/PRAMain. For questions or additional information, contact William Parham (410-786-4669).

Addendum VII: Medicare-Approved Carotid Stent Facilities (October through December 2020)

Addendum VII includes listings of Medicare-approved carotid stent facilities. All facilities listed meet CMS standards for performing carotid artery stenting for high risk patients. On March 17, 2005, we issued our decision memorandum on carotid artery stenting. We determined that carotid artery stenting with embolic protection is reasonable and necessary only if performed in facilities that have been determined to be competent in performing the evaluation, procedure, and follow-up necessary to ensure optimal patient outcomes. We have created a list of minimum standards for facilities modeled in part on professional society statements on competency. All facilities must at least meet our standards in order to receive coverage for carotid artery stenting for high risk patients. For the purposes of this quarterly notice, we are providing only the specific updates that have occurred in the 3-month period. This information is available at: <http://www.cms.gov/MedicareApprovedFacilities/CASF/list.asp#TopOfPage>. For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Facility	Provider Number	Effective Date	State
The following facilities are new listings for this quarter.			
Hospital Damas, Inc. 2213 Ponce By Pass Ponce, PR 00717-1318	400022	09/29/2020	PR
Weykoff Medical Center 374 Stockolm Street Brooklyn, NY 11237	330221	11/03/2020	NY
Ascension Sacred Heart Emerald Coast 7800 U.S. Highway 98 West Miramar Beach, FL 32550	1558391771	11/10/2020	FL
Lower Bucks Hospital 501 Bath Road Bristol, PA 19007	390070	11/24/2020	PA
Texas Health Presbyterian Hospital Plano 6200 West Parker Road Plano, TX 75093	450771	12/15/2020	TX
Centerpoint Medical Center 19600 East 39th Street Independence, MO 64057	1942247044	12/15/2020	MO
Jamaica Hospital Medical Center 8900 Van Wyck Expressway	330014	12/15/2020	NY

Facility	Provider Number	Effective Date	State
Jamaica, NY 11418			
Providence St. Mary Medical Center 401 W. Poplar Street Walla Walla, WA 99362	500002	12/22/2020	WA
The following facilities have editorial changes (in bold).			
Our Lady of Lourdes Regional Medical Center 4801 Ambassador Caffery Parkway Lafayette, LA 70508	190102	05/03/2005	LA
FROM: Amisub of South Carolina, Inc TO: Piedmont Medical Center 222 S. Herlong Avenue Rock Hill, SC 29732	420002	06/14/2005	SC

Addendum VIII:

American College of Cardiology's National Cardiovascular Data Registry Sites (October through December 2020)

The initial data collection requirement through the American College of Cardiology's National Cardiovascular Data Registry (ACC-NCDR) has served to develop and improve the evidence base for the use of ICDs in certain Medicare beneficiaries. The data collection requirement ended with the posting of the final decision memo for Implantable Cardioverter Defibrillators on February 15, 2018.

For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Addendum IX: Active CMS Coverage-Related Guidance Documents (October through December 2020)

CMS issued a guidance document on November 20, 2014 titled "Guidance for the Public, Industry, and CMS Staff: Coverage with Evidence Development Document". Although CMS has several policy vehicles relating to evidence development activities including the investigational device exemption (IDE), the clinical trial policy, national coverage determinations and local coverage determinations, this guidance document is principally intended to help the public understand CMS's implementation of coverage with evidence development (CED) through the national coverage determination process. The document is available at <http://www.cms.gov/medicare-coverage-database/details/medicare-coverage-document-details.aspx?MCDId=27>. There are no additional Active CMS Coverage-Related Guidance Documents for the 3-month period. For questions or additional information, contact JoAnna Baldwin, MS (410-786-7205).

Addendum X:

List of Special One-Time Notices Regarding National Coverage Provisions (October through December 2020)

There were no special one-time notices regarding national coverage provisions published in the 3-month period. This information is available at <http://www.cms.gov>. For questions or additional information, contact JoAnna Baldwin, MS (410-786 7205).

Addendum XI: National Oncologic PET Registry (NOPR) (October through December 2020)

Addendum XI includes a listing of National Oncologic Positron Emission Tomography Registry (NOPR) sites. We cover positron emission tomography (PET) scans for particular oncologic indications when they are performed in a facility that participates in the NOPR.

In January 2005, we issued our decision memorandum on **positron emission tomography (PET) scans**, which stated that CMS would cover PET scans for particular oncologic indications, as long as they were performed in the context of a clinical study. We have since recognized the National Oncologic PET Registry as one of these clinical studies.

Therefore, in order for a beneficiary to receive a Medicare-covered PET scan, the beneficiary must receive the scan in a facility that participates in the registry. There were no additions, deletions, or editorial changes to the listing of National Oncologic Positron Emission Tomography Registry (NOPR) in the 3-month period. This information is available at <http://www.cms.gov/Medicare/ApprovedFacilities/NOPR/list.asp#TopOfPage>. For questions or additional information, contact David Dolan, MBA (410-786-3365).

Addendum XII: Medicare-Approved Ventricular Assist Device (Destination Therapy) Facilities (October through December 2020)

Addendum XII includes a listing of Medicare-approved facilities that receive coverage for ventricular assist devices (VADs) used as destination therapy. All facilities were required to meet our standards in order to receive coverage for VADs implanted as destination therapy. On October 1, 2003, we issued our decision memorandum on VADs for the clinical indication of destination therapy. We determined that VADs used as destination therapy are reasonable and necessary only if performed in facilities that have been determined to have the experience and infrastructure to ensure optimal patient outcomes. We established facility standards and an application process. All facilities were required to meet our standards in order to receive coverage for VADs implanted as destination therapy.

For the purposes of this quarterly notice, we are providing only the specific updates to the list of Medicare-approved facilities that meet our standards that have occurred in the 3-month period. This information is available at <http://www.cms.gov/MedicareApprovedFacilities/VAD/list.asp#TopOfPage>. For questions or additional information, contact David Dolan, MBA, (410-786-3365).

Facility	Provider Number	Date of Initial Certification	Date of Re-certification	State
The following facilities are new listings for this quarter.				
Norton Hospitals Inc 4965 US 42 Suite 2000 Louisville, KY 40222 Other information: DNV-GL # 186245-2020-VAD	180088	09/17/2020		KY
The following facilities have editorial changes (in bold).				
Lovelace Medical Center 601 Dr. Martin Luther King Jr. Avenue NE Albuquerque, NM 87102 Other information: DNV-GL # 460807-2020-VAD FROM: The Medical Center of Central Georgia TO: Medical Center Navicent Health 777 Hemlock Street Macon, GA 31201 Other information: DNV-GL # 492949-2020-VAD Previous Re-certification Dates: 2018-11-14; 2014-10-21; 2016-11-22	320009	10/09/2017	08/27/2020	NM
	110107	11/08/2012	10/13/2020	GA
FROM: University Health Care System. TO: University Health Services, Inc d/b/a University Hospital 1350 Walton Way Augusta, GA 30901 Other information: DNV GL #: 564723-2020-VAD	110028	08/16/2017	08/28/2020	GA

Addendum XIII: Lung Volume Reduction Surgery (LVRS)
(October through December 2020)

Addendum XIII includes a listing of Medicare-approved facilities that are eligible to receive coverage for lung volume reduction surgery. Until May 17, 2007, facilities that participated in the National Emphysema Treatment Trial were also eligible to receive coverage. The following three types of facilities are eligible for reimbursement for Lung Volume Reduction Surgery (LVRS):

- National Emphysema Treatment Trial (NETT) approved (Beginning 05/07/2007, these will no longer automatically qualify and can qualify only with the other programs);
- Credentialed by the Joint Commission (formerly, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO)) under their Disease Specific Certification Program for LVRS; and
- Medicare approved for lung transplants.

Only the first two types are in the list. There were no updates to the listing of facilities for lung volume reduction surgery published in the 3-month period. This information is available at www.cms.gov/MedicareApprovedFacilities/LVRS/list.asp#TopOfPage. For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Addendum XIV: Medicare-Approved Bariatric Surgery Facilities
(October through December 2020)

Addendum XIV includes a listing of Medicare-approved facilities that meet minimum standards for facilities modeled in part on professional society statements on competency. All facilities must meet our standards in order to receive coverage for bariatric surgery procedures. On February 21, 2006, we issued our decision memorandum on bariatric surgery procedures. We determined that bariatric surgical procedures are reasonable and necessary for Medicare beneficiaries who have a body-mass index (BMI) greater than or equal to 35, have at least one co-morbidity related to obesity and have been previously unsuccessful with medical treatment for obesity. This decision also stipulated that covered bariatric surgery procedures are reasonable and necessary only when performed at facilities that are: (1) certified by the American College of Surgeons (ACS) as a Level I Bariatric Surgery Center (program standards and requirements in effect on February 15, 2006); or (2) certified by the American Society for Bariatric Surgery (ASBS) as a Bariatric Surgery Center of Excellence (BSCOE) (program standards and requirements in effect on February 15, 2006).

There were no additions, deletions, or editorial changes to Medicare-approved facilities that meet CMS' minimum facility standards for bariatric surgery that have been certified by ACS and/or ASBS in the 3-month period. This information is available at www.cms.gov/MedicareApprovedFacilities/BSF/list.asp#TopOfPage. For questions or additional information, contact Sarah Fulton, MHS (410-786-2749).

Addendum XV: FDG-PET for Dementia and Neurodegenerative Diseases Clinical Trials (October through December 2020)
 There were no FDG-PET for Dementia and Neurodegenerative Diseases Clinical Trials published in the 3-month period.
 This information is available on our website at www.cms.gov/MedicareApprovedFacilities/PETDT/list.asp#TopOfPage.
 For questions or additional information, contact David Dolan, MBA (410-786-3365).

[FR Doc. 2021-05539 Filed 3-16-21; 8:45 am]

BILLING CODE 4120-01-C

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS-7061-N]

Announcement of the Advisory Panel on Outreach and Education (APOE) March 31, 2021 Virtual Meeting

AGENCY: Centers for Medicare & Medicaid Services (CMS), Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the next meeting of the APOE (the Panel) in accordance with the Federal Advisory Committee Act. The Panel advises and makes recommendations to the Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on opportunities to enhance the effectiveness of consumer education strategies concerning the Health Insurance Marketplace®, Medicare, Medicaid, and the Children's Health Insurance Program (CHIP). This meeting is open to the public.

DATES:

Meeting Date: Wednesday, March 31, 2021 from 12:00 p.m. to 5:00 p.m. eastern daylight time (e.d.t.).

Deadline for Meeting Registration, Presentations, Special Accommodations, and Comments: Wednesday, March 24, 2021, 5:00 p.m. (e.d.t.).

ADDRESSES:

Meeting Location: Virtual. All those who RSVP will receive the link to attend.

Presentations and Written Comments: Presentations and written comments should be submitted to: Lisa Carr, Designated Federal Official (DFO), Office of Communications, Centers for Medicare & Medicaid Services, 200 Independence Avenue SW, Mailstop 325G HHH, Washington, DC 20201, 202-690-5742, or via email at APOE@cms.hhs.gov.

Registration: The meeting is open to the public, but attendance is limited to the space available. Persons wishing to attend this meeting must register at the website <https://www.eventbrite.com/e/apoe-march-31-2021-virtual-meeting-tickets-140075935895> or by contacting the DFO listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice, by the date listed in the **DATES** section of this notice. Individuals requiring sign language interpretation or other special accommodations should contact the DFO at the address listed in the **ADDRESSES** section of this notice by

the date listed in the **DATES** section of this notice.

FOR FURTHER INFORMATION CONTACT: Lisa Carr, Designated Federal Official, Office of Communications, 200 Independence Avenue SW, Mailstop 325G HHH, Washington, DC 20201, 202-690-5742, or via email at APOE@cms.hhs.gov.

Additional information about the APOE is available at: <https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE>. Press inquiries are handled through the CMS Press Office at (202) 690-6145.

SUPPLEMENTARY INFORMATION:

I. Background and Charter Renewal Information

A. Background

The Advisory Panel for Outreach and Education (APOE) (the Panel) is governed by the provisions of the Federal Advisory Committee Act (FACA) (Pub. L. 92-463), as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of federal advisory committees. The Panel is authorized by section 1114(f) of the Social Security Act (the Act) (42 U.S.C. 1314(f)) and section 222 of the Public Health Service Act (42 U.S.C. 217a).

The Secretary of the U.S. Department of Health and Human Services (HHS) (the Secretary) signed the charter establishing the Citizen's Advisory

Panel on Medicare Education¹ (the predecessor to the APOE) on January 21, 1999 (64 FR 7899) to advise and make recommendations to the Secretary and the Administrator of the Centers for Medicare & Medicaid Services (CMS) on the effective implementation of national Medicare education programs, including with respect to the Medicare+Choice (M+C) program added by the Balanced Budget Act of 1997 (Pub. L. 105–33).

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) (Pub. L. 108–173) expanded the existing health plan options and benefits available under the M+C program and renamed it the Medicare Advantage (MA) program. CMS has had substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options available and better tools to evaluate these options. The successful MA program implementation required CMS to consider the views and policy input from a variety of private sector constituents and to develop a broad range of public-private partnerships.

In addition, Title I of the MMA authorized the Secretary and the Administrator of CMS (by delegation) to establish the Medicare prescription drug benefit. The drug benefit allows beneficiaries to obtain qualified prescription drug coverage. In order to effectively administer the MA program and the Medicare prescription drug benefit, we have substantial responsibilities to provide information to Medicare beneficiaries about the range of health plan options and benefits available, and to develop better tools to evaluate these plans and benefits.

The Patient Protection and Affordable Care Act (Pub. L. 111–148) and Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152) (collectively referred to as the Affordable Care Act) expanded the availability of other options for health care coverage and enacted a number of changes to Medicare as well as to Medicaid and CHIP. Qualified individuals and qualified employers are now able to purchase private health insurance coverage through a competitive marketplace, called an Affordable Insurance Exchange (also called Health Insurance Marketplace®, or

Marketplace®²). In order to effectively implement and administer these changes, we must provide information to consumers, providers, and other stakeholders through education and outreach programs regarding how existing programs will change and the expanded range of health coverage options available, including private health insurance coverage through the Marketplace®. The APOE (the Panel) allows us to consider a broad range of views and information from interested audiences in connection with this effort and to identify opportunities to enhance the effectiveness of education strategies concerning the Affordable Care Act.

The scope of this Panel also includes advising on issues pertaining to the education of providers and stakeholders with respect to the Affordable Care Act and certain provisions of the Health Information Technology for Economic and Clinical Health (HITECH) Act enacted as part of the American Recovery and Reinvestment Act of 2009 (ARRA) (Pub. L. 111–5).

On January 21, 2011, the Panel's charter was renewed and the Panel was renamed the Advisory Panel for Outreach and Education. The Panel's charter was most recently renewed on January 19, 2021, and will terminate on January 19, 2023 unless renewed by appropriate action.

B. Charter Renewal

In accordance with the January 19, 2021, charter, the APOE will advise the HHS and CMS on developing and implementing education programs that support individuals who are enrolled in or eligible for Medicare, Medicaid, CHIP, or coverage available through the Health Insurance Marketplace® and other CMS programs. The scope of this FACA group also includes advising on education of providers and stakeholders with respect to health care reform and certain provisions of the HITECH Act enacted as part of the ARRA.

The charter will terminate on January 19, 2023, unless renewed by appropriate action. The APOE was chartered under 42 U.S.C. 217a, section 222 of the Public Health Service Act, as amended. The APOE is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formation and use of advisory committees.

In accordance with the renewed charter, the APOE will advise the Secretary and the CMS Administrator

concerning optimal strategies for the following:

- Developing and implementing education and outreach programs for individuals enrolled in, or eligible for, Medicare, Medicaid, the CHIP, and coverage available through the Health Insurance Marketplace® and other CMS programs.
- Enhancing the federal government's effectiveness in informing Medicare, Medicaid, CHIP, or the Health Insurance Marketplace® consumers, issuers, providers, and stakeholders, pursuant to education and outreach programs of issues regarding these programs, including the appropriate use of public-private partnerships to leverage the resources of the private sector in educating beneficiaries, providers, partners and stakeholders.
- Expanding outreach to vulnerable and underserved communities, including racial and ethnic minorities, in the context of Medicare, Medicaid, the CHIP and the Health Insurance Marketplace® education programs, and other CMS programs as designated.
- Assembling and sharing an information base of “best practices” for helping consumers evaluate health coverage options.
- Building and leveraging existing community infrastructures for information, counseling, and assistance.
- Drawing the program link between outreach and education, promoting consumer understanding of health care coverage choices, and facilitating consumer selection/enrollment, which in turn support the overarching goal of improved access to quality care, including prevention services, envisioned under the Affordable Care Act.

The current members of the Panel as of February 16, 2021, are: E. Lorraine Bell, Chief Officer, Population Health, Catholic Charities USA; Nazleen Bharmal, Medical Director of Community Partnerships, Cleveland Clinic; Angie Boddie, Director of Health Programs, National Caucus and Center on Black Aging, Inc.; Julie Carter, Senior Federal Policy Associate, Medicare Rights Center; Scott Ferguson, Director of Care Transitions and Population Health, Mount Sinai St. Luke's Hospital; Leslie Fried, Senior Director, Center for Benefits Access, National Council on Aging; David Goldberg, President and CEO of Mon Health System; Jean-Venable Robertson Goode, Professor, Department of Pharmacotherapy and Outcomes Science, School of Pharmacy, Virginia Commonwealth University; Ted Henson, Director of Health Center Performance and Innovation, National Association of Community Health

¹ We note that the Citizen's Advisory Panel on Medicare Education is also referred to as the Advisory Panel on Medicare Education (65 FR 4617). The name was updated in the Second Amended Charter approved on July 24, 2000.

² Health Insurance Marketplace®SM and Marketplace®SM are service marks of the U.S. Department of Health and Human Services.

Centers; Joan Ilardo, Director of Research Initiatives, Michigan State University, College of Human Medicine; Cheri Lattimer, Executive Director, National Transitions of Care Coalition; Cori McMahon, Vice President, Tridium; Alan Meade, Director of Rehab Services, Holston Medical Group; Michael Minor, National Director, H.O.P.E. HHS Partnership, National Baptist Convention USA, Incorporated; Jina Ragland, Associate State Director of Advocacy and Outreach, AARP Nebraska; Morgan Reed, Executive Director, Association for Competitive Technology; Margot Savoy, Chair, Department of Family and Community Medicine, Temple University Physicians; Congresswoman Allyson Schwartz, President and CEO, Better Medicare Alliance; and; Tia Whitaker, Statewide Director, Outreach and Enrollment, Pennsylvania Association of Community Health Centers.

II. Provisions of this Notice

In accordance with section 10(a) of the FACA, this notice announces a meeting of the APOE. The agenda for the March 31, 2021 meeting will include the following:

- Welcome and listening session with CMS leadership
- Recap of the previous (September 23, 2020) meeting
- CMS programs, initiatives, and priorities
- An opportunity for public comment
- Meeting summary, review of recommendations, and next steps

Individuals or organizations that wish to make a 5-minute oral presentation on an agenda topic should submit a written copy of the oral presentation to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice. The number of oral presentations may be limited by the time available. Individuals not wishing to make an oral presentation may submit written comments to the DFO at the address listed in the **ADDRESSES** section of this notice by the date listed in the **DATES** section of this notice.

III. Meeting Participation

The meeting is open to the public, but attendance is limited to registered participants. Persons wishing to attend this meeting must register at the website <https://www.eventbrite.com/e/apoe-march-31-2021-virtual-meeting-tickets-140075935895> or contact the DFO at the address or number listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice by the date specified in the **DATES** section of this notice. This

meeting will be held virtually. Individuals who are not registered in advance will be unable to attend the meeting.

IV. Collection of Information

This document does not impose information collection requirements, that is, reporting, recordkeeping, or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

The Acting Administrator of the Centers for Medicare & Medicaid Services (CMS), Elizabeth Richter, having reviewed and approved this document, authorizes Lynette Wilson, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Dated: March 15, 2021.

Lynette Wilson,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2021-05626 Filed 3-15-21; 4:15 pm]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS-10536]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden,

ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by May 17, 2021.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at website address at <https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html>.

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786-4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-10536 Medicaid Eligibility and Enrollment (EE) Implementation Advanced Planning Document (IAPD) Template

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or

provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicaid Eligibility and Enrollment (EE) Implementation Advanced Planning Document (IAPD) Template; *Use:* To assess the appropriateness of states' requests for enhanced federal financial participation for expenditures related to Medicaid eligibility determination systems, we will review the submitted information and documentation to make an approval determination for the advanced planning document. *Form Number:* CMS-10536 (OMB control number: 0938-1268); *Frequency:* Yearly, once, and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 56; *Total Annual Responses:* 168; *Total Annual Hours:* 2,688. (For policy questions regarding this collection contact Edward Dolly at 410-786-8554.)

Dated: March 12, 2021.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2021-05533 Filed 3-16-21; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the National Advisory Council on Migrant Health

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Secretary's National Advisory Council on Migrant Health (NACMH or Council) has scheduled a public meeting. Information about NACMH and the agenda for this meeting can be found on the NACMH

website at: <https://bphc.hrsa.gov/qualityimprovement/strategicpartnerships/nacmh>.

DATES: May 25, 2021, through May 28, 2021, from 1:00 p.m. to 5:00 p.m. Eastern Time (ET) each day.

ADDRESSES: This meeting will be held by webinar. Instructions for joining the meeting will be posted on the NACMH website 30 business days before the meeting date. For meeting information updates, go to the NACMH website at: <https://bphc.hrsa.gov/qualityimprovement/strategicpartnerships/nacmh>.

FOR FURTHER INFORMATION CONTACT:

Esther Paul, NACMH Designated Federal Officer (DFO), Strategic Initiatives and Planning Division, Office of Policy and Program Development, Bureau of Primary Health Care, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; 301-594-4300; or epaul@hrsa.gov.

SUPPLEMENTARY INFORMATION: NACMH advises, consults with, and makes recommendations to the Secretary of HHS on policy, program development, and other matters of significance concerning the activities under section 217 of the Public Health Service (PHS) Act, as amended (42 U.S.C. 218). Specifically, NACMH provides recommendations concerning policy related to the organization, operation, selection, and funding of migrant health centers, and other entities under grants and contracts under section 330 of the PHS Act (42 U.S.C. 254b). NACMH meets twice each calendar year, or at the discretion of the DFO in consultation with the NACMH Chair.

Since priorities dictate meeting times, be advised that times and agenda items are subject to change. The agenda items for the meeting may include topics and issues related to migratory and seasonal agricultural worker health.

Refer to the NACMH website listed above for all current and updated information concerning the May 2021 NACMH meeting, including draft agenda and meeting materials that will be posted 30 calendar days before the meeting.

Members of the public will have the opportunity to provide comments. Public participants may submit written statements in advance of the scheduled meeting. Oral comments will be honored in the order requested and may be limited as time allows. Requests to submit a written statement or make oral comments to the NACMH meeting should be sent to Esther Paul using the contact information above at least 5 business days before the meeting.

Individuals who need special assistance or another reasonable accommodation should notify Esther Paul using the contact information listed above at least 10 business days before the meeting. Registration is required to attend the meeting prior to entry. Registration and meeting attendance instructions will be posted on the NACMH website 30 business days before the meeting date.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2021-05460 Filed 3-16-21; 8:45 am]

BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01 Clinical Trial Not Allowed).

Date: April 12, 2021.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G42B, Rockville, MD 20892 (Virtual Meeting).

Contact Person: Louis A. Rosenthal, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G42B, Rockville, MD 20852, (240) 669-5070, rosenthalla@niaid.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 11, 2021.

Tyeshia M. Roberson,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-05454 Filed 3-16-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Innate and Adaptive Immunology.

Date: April 14, 2021.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kenneth A Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435-1166, roebuckk@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Hepatology, Pharmacology and Environmental Toxicology.

Date: April 14, 2021.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Aster Juan, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-435-5000, juana2@mail.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 11, 2021.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2021-05453 Filed 3-16-21; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS-WASO-NRNL-DTS#-31615; PPWOCRADIO, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before March 6, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by April 1, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to National_Register_Submissions@nps.gov with the subject line "Public Comment on <property or proposed district name, (County) State>." If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before March 6, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

FLORIDA

Indian River County

Fellsmere Historic District (Fellsmere MPS), North Myrtle St., South Carolina Ave., North Oak St., and Virginia Ave., Fellsmere, MP100006378

Pinellas County

Civitan Beach House, 18602-18604 Gulf Blvd., Indian Shores, SG100006377

GEORGIA

Fulton County

Winnwood Apartments, 1460 West Peachtree St. NW, Atlanta, SG100006379

MONTANA

Yellowstone County

Pioneer Park, Roughly bounded by Parkhill Dr., 3rd St. West, and Virginia Ln., Billings, SG100006391

NORTH CAROLINA

Surry County

Mount Airy Historic District (Boundary Decrease), 409, 417-423 Franklin St.; 418 West Pine St., 3 unaddressed parcels at the east corner of South Main and Hamburg Sts., and 209, 215, 218, 219 Hines Ave., Mount Airy, BC100006394

TENNESSEE

Cocke County

Laurel Springs Primitive Baptist Church, 278 Laurel Springs Rd., Cosby vicinity, SG100006382

Dickson County

Lonesome, 2004 TN 96, Burns, SG100006381

Hamilton County

Christ Church Episcopal, 663 Douglas St., Chattanooga, SG100006386

Shelby County

Missouri Portland Cement Terminal, 48 Henry Ave., Memphis, SG100006384
Memphis Overland Company, 421 Monroe Ave., Memphis, SG100006385

UTAH

Salt Lake County

Beckstead-Butterfield House (Riverton, Utah MPS), 13032 South Redwood Rd., Riverton, MP100006389

VIRGINIA

Mecklenburg County

Averett School and Wharton Memorial Baptist Church and Cemetery, 57 White House Rd., Nelson, SG100006387

WEST VIRGINIA

Jefferson County

Taylor's Meadow, Address Restricted, Shepherdstown vicinity, SG100006390

Kanawha County

West Virginia State University Faculty House Historic District, Faculty and Staff Cir., Institute, SG100006395

Randolph County

Graham-Davis Historic District, Generally bounded by Randolph and South Randolph Aves., 11th St., Granny's Ln., and the Tygart Valley R., Elkins, SG100006396

A request for removal has been made for the following resource:

TENNESSEE**Claiborne County**

Wier, James, House, Eppes St., Tazewell, OT 79002419

Authority: Section 60.13 of 36 CFR part 60.

Dated: March 9, 2021.

Sherry A. Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2021-05485 Filed 3-16-21; 8:45 am]

BILLING CODE 4312-52-P

DEPARTMENT OF THE INTERIOR**National Park Service**

[NPS-WASO-NRNL-DTS#-31583;
PPWOCRADIO, PCU00RP14.R50000]

**National Register of Historic Places;
Notification of Pending Nominations
and Related Actions**

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting electronic comments on the significance of properties nominated before February 27, 2021, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted electronically by April 1, 2021.

ADDRESSES: Comments are encouraged to be submitted electronically to *National Register Submissions@nps.gov* with the subject line "Public Comment on <property or proposed district name, (County) State>." If you have no access to email you may send them via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C Street NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before February 27, 2021. Pursuant to Section 60.13 of 36 CFR part 60, comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

Before including your address, phone number, email address, or other

personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Nominations submitted by State or Tribal Historic Preservation Officers:

FLORIDA**Alachua County**

Old Mount Carmel Baptist Church, 429 NW 4th St., Gainesville, SG100006345
University Evangelical Lutheran Church Complex, 1826 West University Ave., Gainesville, SG100006346

Duval County, Union Terminal Company Warehouse, 700 East Union St., Jacksonville, SG100006347
Jacksonville Jewish Center, 205 West 3rd St., Jacksonville, SG100006358

GEORGIA**Fulton County**

Adams, Charles R., Park (Boundary Increase), 1690 Delowe Dr., Atlanta, BC100006374

HAWAII**Hawaii County**

Honoka'a Hongwanji Buddhist Mission, (Honoka'a Town, Hawaii MPS), 45-516 Lehua St. and on Honoka'a-Waipio Highway .47 mi. west of jct. with Lehua St. Honoka'a, MP100006348

Souza, John Dias, Property (Honoka'a Town, Hawaii MPS), 45-3599 Māmane Street, Honoka'a, MP100006349

Kojiro Yamato Store and Garage (Honoka'a Town, Hawaii MPS), 45-3468 Māmane St., Honoka'a, MP100006354

Honolulu County

Waimalu Shopping Center, 98-020 Kamehameha Hwy., Waimalu, SG100006350

East West Center Complex, 1601 East West Rd., Honolulu, SG100006355

LOUISIANA**East Baton Rouge Parish**

Landry, Kenneth C. and Carolyn B., House, 1985 Longwood Dr., Baton Rouge, SG100006376

MICHIGAN**Ingham County**

Bailey Buildings, 513 West Ionia St., Lansing, SG100006364

Presque Isle County

Camp Black Lake, 7142 Ocqueoc Lake Rd., Ocqueoc Township, SG100006365

MINNESOTA**Carlton County**

Cloquet High School, 509 Carlton Ave., Cloquet, SG100006356

Le Sueur County

Montgomery Commercial Historic District, Centering on 1st St. between Vine Ave. East and West, and Oak Ave. East and West, roughly bounded by 2nd St. West and UPRR tracks. Montgomery, SG100006360

Ramsey County

St. Paul Casket Company, 1222 West University Ave., St. Paul, SG100006372

Winona County

Rollingstone Village Hall, 98 Main St., Rollingstone, SG100006357

MONTANA**Lewis and Clark County**

F.M. Mack General Store, 210 Main St., Augusta, SG100006367

PENNSYLVANIA**Allegheny County**

International Harvester Company of America: Pittsburgh Branch House, 810 West North Ave., Pittsburgh, SG100006371

Beaver County

United Steelworkers Local #1211 Union Hall, 501 Franklin Ave., Aliquippa, SG100006368

Philadelphia County

Overbrook Gardens Apartments, 900-904 North 63rd St., Philadelphia, SG100006369
West Philadelphia Passenger Railway Company Carhouse, 4100 Haverford Ave., Philadelphia, SG100006370

UTAH**Salt Lake County**

Beall, Burtch W., Jr., and Susan, House, 4644 South Brookwood Cir., Millcreek, SG100006366

A request to move has been received for the following resources:

LOUISIANA**Caddo Parish**

Caddo Parish Confederate Monument, 501 Texas Ave., Shreveport, MV13001124

Additional documentation has been received for the following resources:

FLORIDA**Santa Rosa County**

Milton Historic District (Additional Documentation), US 90 at Blackwater River bounded by Berryhill, Willing, Hill, Canal, Margaret, & Susan Sts., Milton, AD87001944

GEORGIA**Fulton County**

Adams, Charles R., Park (Additional Documentation), 1690 Delowe Dr., Atlanta, AD12001167

SOUTH DAKOTA**Hutchinson County**

Deckert, Ludwig, House (Additional Documentation), (German-Russian Folk

Architecture TR), 880 South Cedar St.,
Freeman, AD84003309

Nominations submitted by Federal
Preservation Officer:

The State Historic Preservation Officer
reviewed the following nomination and
responded to the Federal Preservation Officer
within 45 days of receipt of the nominations
and supports listing the property in the
National Register of Historic Places.

MICHIGAN

Keweenaw County

Ojibway Fire Tower (Isle Royale National
Park Fire Towers MPS), Jct. of Greenstone
Ridge and Mt. Ojibway Trails, Isle Royal
NP, Houghton vicinity, MP100006363

Authority: Section 60.13 of 36 CFR part 60.

Dated: March 2, 2021.

Sherry Frear,

*Chief, National Register of Historic Places/
National Historic Landmarks Program.*

[FR Doc. 2021-05484 Filed 3-16-21; 8:45 am]

BILLING CODE 4312-52-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1230]

Certain Electric Shavers and Components and Accessories Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting a Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade
Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that
the U.S. International Trade
Commission ("Commission") has
determined not to review an initial
determination ("ID") (Order No. 8) of
the presiding administrative law judge
("ALJ"), granting a motion by
Complainant Skull Shaver, LLC ("Skull
Shaver") to amend the complaint and
notice of investigation to clarify the
names of certain respondents and to
correct the names of certain
respondents.

FOR FURTHER INFORMATION CONTACT:
Panyin A. Hughes, Office of the General
Counsel, U.S. International Trade
Commission, 500 E Street SW,
Washington, DC 20436, telephone (202)
205-3179. Copies of non-confidential
documents filed in connection with this
investigation may be viewed on the
Commission's electronic docket (EDIS)
at <https://edis.usitc.gov>. For help
accessing EDIS, please email
EDIS3Help@usitc.gov. General
information concerning the Commission
may also be obtained by accessing its

internet server at <https://www.usitc.gov>.
Hearing-impaired persons are advised
that information on this matter can be
obtained by contacting the
Commission's TDD terminal, telephone
(202) 205-1810.

SUPPLEMENTARY INFORMATION: On
November 18, 2020, the Commission
instituted this investigation based on a
complaint filed by Skull Shaver of
Moorestown, New Jersey. 85 FR 73510-
11 (Nov. 18, 2020). The complaint
alleged violations of section 337 of the
Tariff Act of 1930, as amended, 19
U.S.C. 1337, based on the importation
into the United States, the sale for
importation, or the sale within the
United States after importation of
certain electric shavers and components
and accessories thereof by reason of
infringement of certain claims of U.S.
Patent Nos. 8,726,528 and D672,504. *Id.*
The Commission's notice of
investigation named the following
eleven entities as respondents:
Rayenbarny Inc. ("Rayenbarny") of New
York, New York; Bald Shaver Inc. of
Toronto, Canada; Suzhou Kaidiya
Garments Trading Co., Ltd. d.b.a.
"Digimator" of Suzhou, China;
Shenzhen Aiweilai Trading Co., Ltd.
d.b.a. "Teamyo" of Shenzhen, China;
Wenzhou Wending Electric Appliance
Co., Ltd. of Yueqing City, China;
Shenzhen Nukun Technology Co., Ltd.
d.b.a. "OriHea" of Shenzhen, China;
Yiwu Xingye Network Technology Co.
Ltd. d.b.a. "Roziapro" of Yiwu, China;
Magicfly LLC of Hong Kong; Yiwu City
Qiaoyu Trading Co., Ltd. of Yiwu,
China; Shenzhen Wantong Information
Technology Co., Ltd. d.b.a. "WTONG"
of Shenzhen, China; and Shenzhen
Junmao International Technology Co.,
Ltd. d.b.a. "Homeas" of Shenzhen,
China. The notice of investigation also
named the Office of Unfair Import
Investigations as a party. *Id.*

On November 30, 2020, the ALJ
granted an unopposed motion (1)
allowing Benepuri LLC ("Benepuri") of
Menands, New York to intervene in this
investigation as a respondent and (2)
terminating the investigation as to
Rayenbarny. Order No. 4 (Nov. 30,
2020), *unreviewed* by Comm'n Notice
(Dec. 15, 2020).

On February 5, 2021 (docketed on
February 8), Skull Shaver moved under
19 CFR 210.14 to amend the Complaint
and the Notice of Investigation ("NOI")
to reflect the correct names and address
of certain respondents as follows: (1)
Clarify that the name of Wenzhou
Wending Electric Appliance Co., Ltd.
d.b.a. "Paitree" is Wenzhou Wending
Electric Appliance Co., Ltd., and correct
its address to No. 29 Yangliu Road,

Economic and Technological
Development Zone, Wenzhou, Zhejiang,
325025 China; (2) correct the address of
Yiwu Xingye Network Technology Co.
Ltd. d.b.a. "Roziapro" to Room 1607,
Tower A, Jinfuyuan Bldg., Choucheng
Street, Yiwu, Zhejiang, 322001 China;
(3) correct the address of Magicfly LLC
to 525 N. Tyron Street, Fl. 16, Suite
1727, Charlotte, North Carolina 28202;
(4) clarify that the name of Yiwu City
Qiaoyu Trading Co., Ltd. d.b.a. "Surker"
is Yiwu City Qiaoyu Trading Co., Ltd.,
and correct its address to Room 401, No.
2, Building 33, Duyuan Village, Houzhai
Street, Yiwu, Zhejiang, 322008 China;
(5) correct the address of Shenzhen
Junmao International Technology Co.,
Ltd. d.b.a. "Homeasy" to Room
405&406&408, Block 1, Mingliang
Science Park, No. 88, North Zhuguang
Road, Pingshan Community, Taoyuan
Street, Nanshan District, Shenzhen,
Guangdong, 518071, China; and (6)
clarify that Benepuri's address is 1060
Broadway, Menands, NY 12204. Skull
Shaver states that "good cause exists to
correct the names and addresses of the
foregoing Respondents based on
information Complainant learned after
institution." Skull Shaver Motion at 5.
No responses to the motion were filed.

On February 12, 2021, the ALJ granted
the motion (Order No. 8, subject ID).
The ID states that "For good cause
shown, and because there is no
opposition, Skull Shaver's Motion" is
granted. Order No. 8 at 2. No one
petitioned for review of the subject ID.

The Commission has determined not
to review the subject ID. The
Commission notes that the **Federal
Register** NOI lists the correct names for
Wenzhou Wending Electric Appliance
Co., Ltd. and Yiwu City Qiaoyu Trading
Co., Ltd. Thus, this ID simply reflects
the names used in the Amended
Complaint (where the corresponding
d/b/a designations have been removed).
In addition, regarding Benepuri, this ID
merely reflects in the Amended
Complaint that it has been substituted
for Rayenbarny.

The Commission vote for this
determination took place on March 11,
2021.

The authority for the Commission's
determination is contained in section
337 of the Tariff Act of 1930, as
amended (19 U.S.C. 1337), and in Part
210 of the Commission's Rules of
Practice and Procedure (19 CFR part
210).

By order of the Commission.

Issued: March 11, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-05469 Filed 3-16-21; 8:45 am]

BILLING CODE 7020-02-P

DEPARTMENT OF JUSTICE

Notice of Proposed Settlement Agreement; Under the Comprehensive Environmental Response, Compensation and Liability Act and the Pennsylvania Hazardous Sites Cleanup Act

Notice is hereby given that the United States of America, on behalf of the National Oceanic and Atmospheric Administration ("NOAA"), and the Department of the Interior ("DOI"), acting through the Fish and Wildlife Service, and the Commonwealth of Pennsylvania, acting through the Department of Environmental Protection, the Department of Conservation and Natural Resources, and the Fish and Boat Commission (collectively "Trustees"), are providing an opportunity for public comment on a proposed Settlement Agreement ("Settlement Agreement") between the Trustees and a dozen public utility companies: Consolidated Edison Company of New York, Inc., Public Service Electric and Gas Company, Baltimore Gas and Electric Company, Jersey Central Power and Light Company, Long Island Lighting Company d/b/a LIPA, Metropolitan Edison Company, Orange and Rockland Utilities, Inc., PECO Energy Company, Potomac Electric Power Company, PPL Electric Utilities Corporation, Virginia Electric and Power Company, and Delmarva Power & Light Company (collectively, "Settling Defendants").

The settlement resolves the civil claims of the Trustees against the Settling Defendants arising under their natural resource trustee authority set forth at Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607, and at Section 507 of the Pennsylvania Hazardous Sites Cleanup Act, Act of October 18, 1988, Public Law 756, No. 108, as amended ("HSCA"), 35 P.S. § 6020.507. The claims are for injury to, impairment of, destruction of, loss of, diminution of value of, and/or loss of use of natural resources, including the reasonable costs of assessing the injuries, resulting from the Settling Defendants' alleged contribution to the release of hazardous substances at the Metal Bank Superfund

Site in Philadelphia, Pennsylvania (the "Site").

Under the proposed Settlement Agreement, the Settling Defendants agree to pay \$950,000 to resolve their liability at the Site. Of this amount, \$414,807 will compensate NOAA and DOI for their costs of assessing natural resource damages at the Site. The remaining \$535,193 will be paid into the DOI Natural Resource Damage Assessment and Restoration Fund and earmarked for future natural resource restoration projects selected by the Trustees and implemented in the vicinity of the Site to compensate the public for the injury to natural resources. A restoration plan will be developed for public comment by the Trustees.

The publication of this notice opens a period for public comment on the proposed Settlement Agreement. Comments on the proposed Settlement Agreement should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to the Metal Bank Natural Resource Damages Settlement Agreement, D.J. Ref. No. 90-11-2-1183/2. All comments must be submitted no later than sixty (60) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email	pubcomment-ees.enrd@usdoj.gov .
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

During the public comment period, the Settlement Agreement may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. The Department of Justice will provide a paper copy of the Settlement Agreement upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044-7611.

Please enclose a check or money order for \$4.00 (25 cents per page reproduction cost) payable to the United States Treasury.

All public comments must be submitted no later than thirty (30) days after the publication date of this notice.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021-05499 Filed 3-16-21; 8:45 am]

BILLING CODE 4410-15-P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

205th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Teleconference Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 205th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held via a teleconference on Monday, April 26, 2021.

The meeting will occur from 1:00 p.m. to approximately 5:00 p.m. (ET). The purpose of the open meeting is to set the topics to be addressed by the Council in 2021. Also, the ERISA Advisory Council members will receive an update from leadership of the Employee Benefits Security Administration (EBSA).

Instructions for public access to the teleconference meeting will be posted on the ERISA Advisory Council's web page at <https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council> prior to the meeting.

Organizations or members of the public wishing to submit a written statement may do so on or before Monday, April 19, 2021, to Christine Donahue, Executive Secretary, ERISA Advisory Council. Statements should be transmitted electronically as an email attachment in text or pdf format to donahue.christine@dol.gov. Statements transmitted electronically that are included in the body of the email will not be accepted. Relevant statements received on or before Monday, April 19, 2021, will be included in the record of the meeting and made available through the EBSA Public Disclosure Room. No deletions, modifications, or redactions will be made to the statements received as they are public records.

Individuals or representatives of organizations wishing to address the ERISA Advisory Council should forward their requests to the Executive Secretary no later than Monday, April 19, 2021, via email to

donahue.christine@dol.gov or by telephoning (202) 693–8641. Oral presentations will be limited to ten minutes, time permitting, but an extended statement may be submitted for the record.

Individuals who need special accommodations should contact the Executive Secretary no later than Monday, April 19, 2021, via email to donahue.christine@dol.gov or by telephoning (202) 693–8641.

For more information about the meeting, contact the Executive Secretary via email to donahue.christine@dol.gov or by telephoning (202) 693–8641.

Signed at Washington, DC, this 11th day of March, 2021.

Ali Khawar,

*Principal Deputy Assistant Secretary,
Employee Benefits Security Administration.*

[FR Doc. 2021–05474 Filed 3–16–21; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Training Plans and Records of Training, for Underground Miners and Miners Working at Surface Mines and Surface Areas of Underground Mines

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Mining Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 16, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) if the

information will be processed and used in a timely manner; (3) the accuracy of the agency’s estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (4) ways to enhance the quality, utility and clarity of the information collection; and (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT:

Anthony May by telephone at 202–693–4129 (this is not a toll-free number) or by email at DOL_PRA_PUBLIC@dol.gov.

SUPPLEMENTARY INFORMATION: Section 103(h) of the Federal Mine Safety and Health Act of 1977, as amended (Mine Act), 30 U.S.C. 813(h), authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. Further, section 101(a) of the Mine Act, 30 U.S.C. 811, authorizes the Secretary of Labor (Secretary) to develop, promulgate, and revise as may be appropriate, improved mandatory health or safety standards for the protection of life and prevention of injuries in coal or other mines. The Mine Act recognizes that education and training is an important element of efforts to make the nation’s mines safe. Section 115(a) of the Mine Act states that “each operator of a coal or other mine shall have a health and safety training program which shall be approved by the Secretary.”

Title 30 CFR 48.3 and 48.23 require training plans for underground and surface mines, respectively. These standards are intended to ensure that miners will be effectively trained in matters affecting their health and safety, with the ultimate goal of reducing the occurrence of injury and illness in the nation’s mines. Training plans are required to be submitted for approval to the MSHA District Manager for the area in which the mine is located. Plans must contain the following: (1) Company name; (2) mine name; (3) MSHA identification number of the mine; (4) the name and position of the person designated by the operator who is responsible for health and safety training at the mine; (5) a list of MSHA-approved instructors with whom the operator proposes to make arrangements to teach the courses and the courses each instructor is qualified to teach; (6) the location where training will be given for each course; (7) a description of the teaching methods and the course materials which are to be used in training; (8) the approximate number of miners employed at the mine and the

maximum number who will attend each session of training; (9) the predicted time or periods of time when regularly scheduled refresher training will be given including the titles of courses to be taught; (10) the total number of instruction hours for each course; and (11) the predicted time and length of each session of training for new task training including a complete list of task assignments, the titles of personnel conducting the training, the outline of training procedures used, and the evaluation procedures used to determine the effectiveness of the training.

Title 30 CFR 48.9 and 48.29 require records of training for underground and surface mines, respectively. Upon completion of each training program, the mine operator certifies on a form approved by the Secretary, MSHA Form 5000–23, Certificate of Training, that the miner has received the specified training in each subject area of the approved health and safety training plan. The Certificate of Training forms are to be maintained by the operator for a period of 2 years for current employees and for 60 days after termination of a miner’s employment, and must be available for inspection at the mine site. In addition, the miner is entitled to a copy of the certificate upon completion of the training and when the miner leaves the operator’s employment. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 29, 2020 (85 FR 68600).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL–MSHA.

Title of Collection: Training Plans and Records of Training, for Underground Miners and Miners Working at Surface

Mines and Surface Areas of Underground Mines.

OMB Control Number: 1219-0009.

Affected Public: Businesses or other for-profits institutions.

Total Estimated Number of Respondents: 5,828.

Total Estimated Number of Responses: 143,145.

Total Estimated Annual Time Burden: 14,773 hours.

Total Estimated Annual Other Costs Burden: \$468,122.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 10, 2021.

Anthony May,

Management and Program Analyst.

[FR Doc. 2021-05470 Filed 3-16-21; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Wage and Hour Division

Agency Information Collection Activities; Comment Request; Information Collections Pertaining to Special Employment Under the Fair Labor Standards Act

AGENCY: Wage and Hour Division, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (the Department) is soliciting comments concerning a proposed extension of the information collection request (ICR) titled “Information Collections Pertaining to Special Employment Under the Fair Labor Standards Act.” This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA). The Department proposes to extend the approval of this existing information collection without change. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. A copy of the proposed information request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 17, 2021.

ADDRESSES: You may submit comments identified by Control Number 1235-

0001, by either one of the following methods: *Email:* WHDPRAComments@dol.gov; *Mail, Hand Delivery, Courier:* Division of Regulations, Legislation, and Interpretation, Wage and Hour, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, DC 20210. *Instructions:* Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget (OMB) approval of the information collection request.

FOR FURTHER INFORMATION CONTACT:

Robert Waterman, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, DC 20210; telephone: (202) 693-0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape, or Disc), upon request, by calling (202) 693-0023 (not a toll-free number). TTY/TTD callers may dial toll-free (877) 889-5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. Background: The Wage and Hour Division (WHD) of the Department of Labor administers the Fair Labor Standards Act (FLSA), 29 U.S.C. 201, *et seq.*, which sets the federal minimum wage, overtime pay, recordkeeping, and youth employment standards of most general application. *See* 29 U.S.C. 206, 207, 211, 212. FLSA section 14(c) provides that the Secretary of Labor, “to the extent necessary to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment, under special certificates, of individuals” whose productivity for the work performed is limited by disability at subminimum wages commensurate with the individual’s productivity. 29 U.S.C. 214(c). In accordance with section 14(c), the WHD regulates the employment of individuals with disabilities under special certificates and governs the application and approval process for obtaining the

certificates. *See* 29 CFR part 525. The information collections on the forms (Form WH-226, the Application for Authority to Employ Workers with Disabilities at Special Minimum Wages, and WH-226A, the Supplemental Data Sheet for Application for Authority to Employ Workers with Disabilities at Special Minimum Wages) assists the Department in fulfilling its statutory directive to administer and enforce the section 14(c) program, including the conditions introduced to section 14(c) certificate holders pursuant to the Workforce Innovation and Opportunity Act (WIOA), which was signed into law on July 22, 2014.

In addition, section 11(d) of the FLSA authorizes the Secretary of Labor to regulate, restrict, or prohibit industrial homework as necessary to prevent circumvention or evasion of the minimum wage requirements of the Act. 29 U.S.C. 211(d). Pursuant to section 11(d), WHD issues special certificates governing the employment of individual homeworkers and employers of homeworkers. The Department restricts homework in seven industries (*i.e.*, knitted outerwear, women’s apparel, jewelry manufacturing, gloves and mittens, button and buckle manufacturing, handkerchief manufacturing, and embroideries) to those employers who obtain certificates. *See* 29 CFR 530.1, 530.2. The Department may issue individual certificates in those industries for an individual homemaker (1) who is unable to adjust to factory work because of a disability or who must remain at home to care for a person with a disability in the home, and (2) who has been engaged in industrial homework in the particular industry prior to certain specified dates as set forth in the regulations or is engaged in industrial homework under the supervision of a State Vocational Rehabilitation Agency. *See* 29 CFR 530.3, 530.4. The Department also allows employers to obtain general (employer) certificates to employ homeworkers in all restricted industries, except women’s apparel and hazardous jewelry manufacturing operations. *See* 29 CFR 530.101. Form WH-2, the Application for Special Industrial Homemaker’s Certificate, and Form WH-46, the Application for Certificate to Employ Homeworkers, are used in the application process for obtaining these certificates, and Form WH-75, Homemaker Handbook, is used to assist with recordkeeping.

The FLSA also requires that the Secretary of Labor, to the extent necessary to prevent curtailment of employment opportunities, provide certificates authorizing the employment

of full-time students at (1) not less than 85 percent of the applicable minimum wage or less than \$1.60, whichever is higher, in retail or service establishments or in institutions of higher education (29 U.S.C. 214(b)(1), (3); 29 CFR part 519); and (2) not less than 85 percent of the applicable minimum wage or less than \$1.30, whichever is higher, in agriculture (29 U.S.C. 214(b)(2), 29 CFR part 519). The FLSA and the regulations set forth the application requirements as well as the terms and conditions for the employment of full-time students at subminimum wages under certificates and temporary authorization to employ such students at subminimum wages. The forms used to apply for these certificates are WH-200 (retail, service, or agricultural employers seeking to employ full-time students for 10 percent or more of total monthly hours of employment), WH-201 (institution of higher learning seeking to employ its students), and WH-202 (retail, service, or agricultural employers seeking to employ six or fewer full-time students).

Under section 14(a) of the FLSA, the Secretary of Labor is required to provide, by regulation or order, a special certificate for the employment of learners, apprentices, and messengers who may be paid less than the federal minimum wage set by section 6(a) of the Act. *See* 29 U.S.C. 214(a). The certificates are only issued to the extent necessary to prevent the curtailment of employment opportunities. This section also authorizes the Secretary to set limitations on such employment as to time, number, proportion, and length of service. The regulations at 29 CFR part 520 contain the provisions that implement the section 14(a) requirements. Form WH-205 is the application an employer uses to obtain a certificate to employ student-learners at wages lower than the federal minimum wage. Form WH-209 is the application an employer uses to request a certificate authorizing the employer to employ learners and/or messengers at subminimum wage rates. Regulations issued by the Department's Office of Apprenticeship no longer permit the payment of subminimum wages to apprentices in an approved program; therefore, the Department has not issued apprentice certificates since 1987. *See* 29 CFR 29.5(b)(5). However, WHD must maintain the information collection for apprentice certificates in order for the agency to fulfill its statutory obligation under FLSA to maintain this program.

II. Review Focus: The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Enhance the quality, utility, and clarity of the information to be collected;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions: The Department of Labor seeks approval for an extension of this information collection in order to ensure effective administration of various special employment programs.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Information Collections Pertaining to Special Employment Under the Fair Labor Standards Act.

OMB Control Number: 1235-0001.

Affected Public: Business or other for-profit, Not-for-profit institutions, Federal, State, Local, or Tribal Government.

Agency Numbers: Forms WH-226, WH-226A, WH-2, WH-46, WH-75, WH-200, WH-201, WH-202, WH-205, WH-209.

Total Respondents: 335,983.

Total Annual Responses: 1,339,779.

Estimated Total Burden Hours: 684,442.

Estimated Time per Response: Varies with type of request.

Frequency: On occasion.

Total Burden Cost (capital/startup): \$1,522.

Dated: March 8, 2021.

Amy DeBisschop,

Director, Division of Regulations, Legislation, and Interpretation.

[FR Doc. 2021-05473 Filed 3-16-21; 8:45 am]

BILLING CODE 4510-27-P

NUCLEAR REGULATORY COMMISSION

[NRC-2020-0220]

Information Collection: Fitness-for-Duty Programs

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Fitness-for-Duty Programs."

DATES: Submit comments by April 16, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: INFOCOLLECTS.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2020-0220 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- **Federal Rulemaking Website:** Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0220.
- **NRC's Agencywide Documents Access and Management System (ADAMS):** You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. Licensees and other entities can use three NRC Forms to report information under Part 26 of title 10 of the *Code of Federal Regulations* (10 CFR), "Fitness for duty programs" requirements: NRC Form 890, "Single Positive Test Form," NRC Form 891, "Annual Reporting Form for Drug and

Alcohol Tests,” and NRC Form 892, “Annual Fatigue Reporting Form.” A copy of NRC Forms 890, 891, and 892 may be obtained without charge by accessing ADAMS Accession Nos. ML20209A550, ML20209A388, and ML18214A192, respectively. The supporting statement and burden change spreadsheet are available in ADAMS under Accession Nos. ML21019A067 and ML21019A069.

• **Attention:** The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

• **NRC’s Clearance Officer:** A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: INFOCOLLECTS.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2020-0220 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, “Fitness-for-

Duty Programs.” The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on November 6, 2020 (85 FR 71109).

1. *The title of the information collection:* 10 CFR part 26, “Fitness for Duty Programs.”

2. *OMB approval number:* 3150-0146.

3. *Type of submission:* Extension.

4. *The form number if applicable:* NRC Form 890, “Single Positive Test Form,” NRC Form 891, “Annual Reporting Form for Drug and Alcohol Tests,” and NRC Form 892, “Annual Fatigue Reporting Form.”

5. *How often the collection is required or requested:* Annually and on occasion. The NRC receives reports on an annual basis that detail fitness-for-duty (FFD) program performance. The NRC also receives, on occasion, reports associated with FFD policy violations or programmatic failures. Depending on the type of violation or programmatic failure, the report would be made within 24 hours of the event occurrence, or within 30 days of completing an investigation into a programmatic failure.

6. *Who will be required or asked to respond:* Nuclear power reactor licensees licensed under 10 CFR part 50, “Domestic licensing of production and utilization facilities” and 10 CFR part 52, “Licenses, certifications, and approvals for nuclear power plants” (except those who have permanently ceased operations and have verified that fuel has been permanently removed from the reactor); all holders of nuclear power plant construction permits and early site permits with a limited work authorization and applicants for nuclear power plant construction permits that have a limited work authorization under the provisions of 10 CFR part 50; all holders of a combined license for a nuclear power plant issued under 10 CFR part 52 and applicants for a combined license that have a limited work authorization; all licensees who are authorized to possess, use, or transport formula quantities of strategic special nuclear material (SSNM) under the provisions of 10 CFR part 70, “Domestic licensing of special nuclear material”; all holders of a certificate of compliance of an approved compliance plan issued under 10 CFR part 76 “Certification of gaseous diffusion plants,” if the holder engages in activities involving formula quantities

of SSNM; and all contractor/vendors (C/Vs) who implement FFD programs or program elements to the extent that the licensees and other entities listed in this paragraph rely on those C/V FFD programs or program elements to comply with 10 CFR part 26.

7. *The estimated number of annual responses:* 366,657.

8. *The estimated number of annual respondents:* 70,561.

9. *An estimate of the total number of hours needed annually to comply with the information collection requirement or request:* 597,976 (5,347 reporting + 181,158 recordkeeping + 411,471 third party disclosure).

10. *Abstract:* The NRC regulations in 10 CFR part 26 prescribe requirements to establish, implement, and maintain FFD programs at affected licensees and other entities. The objectives of these requirements are to provide reasonable assurance that persons subject to the rule are trustworthy, reliable, and not under the influence of any substance, legal or illegal, or mentally or physically impaired from any cause, which in any way could adversely affect their ability to safely and competently perform their duties. These requirements also provide reasonable assurance that the effects of fatigue and degraded alertness on individual’s abilities to safely and competently perform their duties are managed commensurate with maintaining public health and safety. The information collections required by 10 CFR part 26 are necessary to properly manage FFD programs and to enable effective and efficient regulatory oversight of affected licensees and other entities. These licensees and other entities must perform certain tasks, maintain records, and submit reports to comply with 10 CFR part 26 drug and alcohol and fatigue management requirements. These records and reports are necessary to enable regulatory inspection and evaluation of a licensee’s or other entity’s compliance with NRC regulations, FFD performance, and significant FFD-related events to help maintain public health and safety, promote the common defense and security, and protect the environment.

Dated: March 12, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021-05537 Filed 3-16-21; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0042]

Emergency Response Planning and Preparedness for Nuclear Power Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft regulatory guide; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft regulatory guide (DG), DG–1357, “Emergency Response Planning and Preparedness for Nuclear Power Reactors.” This DG is proposed Revision 6 of Regulatory Guide (RG) 1.101, “Emergency Response Planning and Preparedness for Nuclear Power Reactors.” This proposed revision endorses Revision 0 of the Nuclear Energy Institute (NEI) white paper, “Implementing a 24-Month Frequency for Emergency Preparedness Program Reviews,” issued November 2019. In addition, this proposed revision includes guidance found in previous revisions of RG 1.101, updated NRC guidance documents, and other documents previously endorsed by the NRC to consolidate the list of these guidance documents into a single revision of the RG.

DATES: Submit comments by April 16, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Although a time limit is given, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0042. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: Stacy.Schumann@nrc.gov. For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Charles Murray, Office of Nuclear Security and Incident Response, telephone: 301–287–9246, email: Charles.Murray@nrc.gov and Mekonen Bayssie, Office of Nuclear Regulatory Research, telephone: 301–415–1669, email: Mekonen.Bayssie@nrc.gov. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2021–0042 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2021–0042.
- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to pdr.resource@nrc.gov.

- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC–2021–0042 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Additional Information

The NRC is issuing for public comment a DG in the NRC’s “Regulatory Guide” series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the NRC’s regulations, techniques that the staff uses in evaluating specific issues or postulated events, and data that the staff needs in its review of applications for permits and licenses.

The DG, entitled “Emergency Response Planning and Preparedness for Nuclear Power Reactors,” is temporarily identified by its task number, DG–1357 (ADAMS Accession No. ML21007A330). The staff is also issuing for public comment a draft regulatory analysis (ADAMS Accession No. ML21004A168). The staff develops a regulatory analysis to assess the value of issuing or revising a regulatory guide as well as alternative courses of action.

The staff would issue Revision 6 of RG 1.101 to endorse and update guidance that is available to licensees and applicants on methods acceptable to the NRC staff for complying with the NRC’s regulations for emergency response plans and preparedness at nuclear power reactors. This DG is for light water reactors, including those of an advanced design (*e.g.*, AP1000); small modular reactors and other new technologies will have design-specific RGs to support development of their emergency plans. This proposed revision endorses Revision 0 of the NEI white paper, “Implementing a 24-Month Frequency for Emergency Preparedness Program Reviews,” issued November 2019. This proposed revision also includes guidance found in previous revisions of RG 1.101, updated NRC guidance documents, and other documents previously endorsed by the NRC to consolidate the list of these guidance documents into a single revision of the RG.

III. Backfitting, Forward Fitting, and Issue Finality

DG-1357, if finalized, would revise RG 1.101, Revision 6, which describes methods acceptable to the NRC staff for complying with the NRC's regulations to meet the regulatory requirements for emergency response planning and preparedness. Issuance of DG-1357, if finalized, would not constitute backfitting as defined in section 50.109 of the *Code of Federal Regulation* (10 CFR), "Backfitting," and as described in NRC Management Directive (MD) 8.4, "Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests"; constitute forward fitting as that term is defined and described in MD 8.4; or affect the issue finality of any approval issued under 10 CFR part 52, "Licenses, certifications, and approvals for nuclear power plants." As explained in DG-1357, applicants and licensees would not be required to comply with the positions set forth in DG-1357.

Dated: March 12, 2021.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2021-05501 Filed 3-16-21; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[NRC-2020-0219]

Information Collection: Licensing Requirements for Land Disposal of Radioactive Waste

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of submission to the Office of Management and Budget; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, "Licensing Requirements for Land Disposal of Radioactive Waste."

DATES: Submit comments by April 16, 2021. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

FOR FURTHER INFORMATION CONTACT: David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: INFOCOLLECTS.Resource@nrc.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC-2020-0219 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2020-0219.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select "Begin Web-based ADAMS Search." For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to pdr.resource@nrc.gov. The supporting statement is available in ADAMS under Accession No. ML21013A299.

- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at pdr.resource@nrc.gov or call 1-800-397-4209 or 301-415-4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: INFOCOLLECTS.Resource@nrc.gov.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal Rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2020-0219 in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, "Licensing Requirements for Land Disposal of Radioactive Waste." The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on October 13, 2020 (85 FR 64533).

1. *The title of the information collection:* Part 61 of title of the *Code of Federal Regulations* (10 CFR), "Licensing Requirements for Land Disposal of Radioactive Waste."

2. *OMB approval number:* 3150-0135.

3. *Type of submission:* Extension.

4. *The form number if applicable:* Not applicable.

5. *How often the collection is required or requested:* Applications for licenses are submitted as needed. Other reports are submitted annually and as other events require.

6. *Who will be required or asked to respond:* Applicants for and holders of an NRC license (to include Agreement State licensees) for land disposal of low-level radioactive waste.

7. *The estimated number of annual responses:* 16 (12 reporting responses and 4 recordkeepers).

8. *The estimated number of annual respondents:* 4.

9. *An estimate of the total number of hours needed annually to comply with*

the information collection requirement or request: 5,372 hours (56 hours reporting and 5,316 hours recordkeeping).

10. *Abstract:* 10 CFR part 61, establishes the procedures, criteria, and license terms and conditions for the land disposal of low-level radioactive waste. The reporting and recordkeeping requirements are mandatory and, in the case of application submittals, are required to obtain a benefit. The information collected in the applications, reports, and records is evaluated by the NRC to ensure that the licensee's or applicant's disposal facility, equipment, organization, training, experience, procedures, and plans provide an adequate level of protection of public health and safety, common defense and security, and the environment.

Dated: March 12, 2021.

For the Nuclear Regulatory Commission.

David C. Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2021-05536 Filed 3-16-21; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-91302; File No. SR-PEARL-2021-06]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX PEARL Fee Schedule

March 11, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on March 1, 2021, MIAX PEARL, LLC ("MIAX PEARL" or "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX PEARL Fee Schedule (the "Fee Schedule") for the Exchange's options market.

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/pearl> at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Add/Remove Tiered Rebates/Fees set forth in Section (1)(a) the Fee Schedule for the Exchange's options market to: (i) Increase Taker (as defined below) fees in certain Tiers (defined below) for options transactions in Penny classes (as defined below) (excluding SPY, QQQ, and IWM) for Priority Customers;³ (ii) increase Taker fees in certain Tiers for options transactions in Penny classes for MIAX PEARL Market Makers⁴ when trading against origins other than Priority Customer; (iii) increase the Taker fees in certain Tiers for options transactions in Penny classes for MIAX PEARL Market Makers when trading against Priority Customer origins and when the executing buyer and seller are

³ "Priority Customer" means a person or entity that (i) is not a broker or dealer in securities, and (ii) does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial accounts(s). The number of orders shall be counted in accordance with Interpretation and Policy .01 of Exchange Rule 100. See the Definitions Section of the Fee Schedule and Exchange Rule 100.

⁴ "Market Maker" means a Member registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in Chapter VI of Exchange Rules. See the Definitions Section of the Fee Schedule and Exchange Rule 100.

not the same Member⁵ or Affiliates;⁶ and (iv) increase Taker fees in certain Tiers for options transactions in Penny classes for "Professional Members" (listed in the table in Section (1)(a) of the Fee Schedule as Non-Priority Customer, Firm, BD, and Non-MIAX PEARL Market Makers).

Background

The Exchange currently assesses transaction rebates and fees to all market participants which are based upon the total monthly volume executed by the Member on MIAX PEARL in the relevant, respective origin type (not including Excluded Contracts)⁷ (as the numerator) expressed as a percentage of (divided by) TCV⁸ (as the denominator). In

⁵ "Member" means an individual or organization that is registered with the Exchange pursuant to Chapter II of Exchange Rules for purposes of trading on the Exchange as an "Electronic Exchange Member" or "Market Maker." Members are deemed "members" under the Exchange Act. See the Definitions Section of the Fee Schedule and Exchange Rule 100.

⁶ "Affiliate" means (i) an affiliate of a Member of at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A, or (ii) the Appointed Market Maker of an Appointed EEM (or, conversely, the Appointed EEM of an Appointed Market Maker). An "Appointed Market Maker" is a MIAX PEARL Market Maker (who does not otherwise have a corporate affiliation based upon common ownership with an EEM) that has been appointed by an EEM and an "Appointed EEM" is an EEM (who does not otherwise have a corporate affiliation based upon common ownership with a MIAX PEARL Market Maker) that has been appointed by a MIAX PEARL Market Maker, pursuant to the following process. A MIAX PEARL Market Maker appoints an EEM and an EEM appoints a MIAX PEARL Market Maker, for the purposes of the Fee Schedule, by each completing and sending an executed Volume Aggregation Request Form by email to membership@miaxoptions.com no later than 2 business days prior to the first business day of the month in which the designation is to become effective. Transmittal of a validly completed and executed form to the Exchange along with the Exchange's acknowledgement of the effective designation to each of the Market Maker and EEM will be viewed as acceptance of the appointment. The Exchange will only recognize one designation per Member. A Member may make a designation not more than once every 12 months (from the date of its most recent designation), which designation shall remain in effect unless or until the Exchange receives written notice submitted 2 business days prior to the first business day of the month from either Member indicating that the appointment has been terminated. Designations will become operative on the first business day of the effective month and may not be terminated prior to the end of the month. Execution data and reports will be provided to both parties. See the Definitions Section of the Fee Schedule.

⁷ "Excluded Contracts" means any contracts routed to an away market for execution. See the Definitions Section of the Fee Schedule.

⁸ "TCV" means total consolidated volume calculated as the total national volume in those classes listed on MIAX PEARL for the month for which the fees apply, excluding consolidated volume executed during the period time in which

Continued

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

addition, the per contract transaction rebates and fees are applied retroactively to all eligible volume for that origin type once the respective threshold tier ("Tier") has been reached by the Member. The Exchange aggregates the volume of Members and their Affiliates. Members that place resting liquidity, *i.e.*, orders resting on the book of the MIAX PEARL System,⁹ are paid the specified "maker" rebate (each a "Maker"), and Members that execute against resting liquidity are assessed the specified "taker" fee (each a "Taker"). For opening transactions and ABBO¹⁰ uncrossing transactions, per contract transaction rebates and fees are waived for all market participants. Finally, Members are assessed lower transaction fees and receive lower rebates for order executions in standard option classes in the Penny Interval Program¹¹ ("Penny Classes") than for order executions in standard option classes which are not in the Penny Interval Program ("Non-Penny Classes"), where Members are assessed higher transaction fees and receive higher rebates.

the Exchange experiences an "Exchange System Disruption" (solely in the option classes of the affected Matching Engine (as defined below)). The term Exchange System Disruption, which is defined in the Definitions section of the Fee Schedule, means an outage of a Matching Engine or collective Matching Engines for a period of two consecutive hours or more, during trading hours. The term Matching Engine, which is also defined in the Definitions section of the Fee Schedule, is a part of the MIAX PEARL electronic system that processes options orders and trades on a symbol-by-symbol basis. Some Matching Engines will process option classes with multiple root symbols, and other Matching Engines may be dedicated to one single option root symbol (for example, options on SPY may be processed by one single Matching Engine that is dedicated only to SPY). A particular root symbol may only be assigned to a single designated Matching Engine. A particular root symbol may not be assigned to multiple Matching Engines. The Exchange believes that it is reasonable and appropriate to select two consecutive hours as the amount of time necessary to constitute an Exchange System Disruption, as two hours equates to approximately 1.4% of available trading time per month. The Exchange notes that the term "Exchange System Disruption" and its meaning have no applicability outside of the Fee Schedule, as it is used solely for purposes of calculating volume for the threshold tiers in the Fee Schedule. See the Definitions Section of the Fee Schedule.

⁹ The term "System" means the automated trading system used by the Exchange for the trading of securities. See Exchange Rule 100.

¹⁰ "ABBO" means the best bid(s) or offer(s) disseminated by other Eligible Exchanges (defined in Exchange Rule 1400(g) and calculated by the Exchange based on market information received by the Exchange from OPRA. See the Definitions Section of the Fee Schedule and Exchange Rule 100.

¹¹ See Securities Exchange Act Release No. 88992 (June 2, 2020), 85 FR 35142 (June 8, 2020) (SR-PEARL-2020-06).

Taker Fees

The Exchange proposes to amend the Fee Schedule for the Exchange's options market to: (i) Increase Taker fees in certain Tiers for options transactions in Penny classes (excluding SPY, QQQ, and IWM) for Priority Customers; (ii) increase Taker fees in certain Tiers for options transactions in Penny classes for MIAX PEARL Market Makers when trading against origins other than Priority Customer; (iii) increase the Taker fees in certain Tiers for options transactions in Penny classes for MIAX PEARL Market Makers when trading against Priority Customer origins and when the executing buyer and seller are not the same Member or Affiliates; and (iv) increase Taker fees in certain Tiers for options transactions in Penny classes for Professional Members.

In particular, the Exchange proposes to increase the Taker fees for Priority Customer orders in options in certain Penny classes (excluding SPY, QQQ, and IWM) in Tier 3 from \$0.48 to \$0.50, in Tier 4 from \$0.47 to \$0.49, in Tier 5 from \$0.46 to \$0.48, and in Tier 6 from \$0.45 to \$0.47. The Exchange next proposes to increase the Taker fees for options transactions in Penny classes for MIAX PEARL Market Makers when trading against origins other than Priority Customer in Tier 4 from \$0.49 to \$0.50, in Tier 5 from \$0.47 to \$0.50, and in Tier 6 from \$0.46 to \$0.50.

The Exchange also proposes to increase the Taker fees for options transactions in Penny classes for MIAX PEARL Market Makers when trading against Priority Customer origins in Tiers 5 and 6 when the executing buyer and seller are not the same Member or Affiliates. In particular, the Exchange proposes to increase the Taker fees for options transactions in Penny classes for MIAX PEARL Market Makers when trading against Priority Customer origins in Tiers 5 and 6 from the current \$0.48 and \$0.47, respectively, to the proposed \$0.50 per contract when the executing buyer and seller are not the same Member or Affiliates. The Exchange proposes that Taker fees for options transactions in Penny classes for MIAX PEARL Market Makers when trading against Priority Customer origins in Tiers 5 and 6 will remain at their current levels of \$0.48 and \$0.47, respectively, when the executing buyer and seller are the same Member or Affiliates.

In order to differentiate between the proposed increased Taker fees for options transactions in Penny classes for MIAX PEARL Market Makers when trading against Priority Customer origins in Tiers 5 and 6 when the executing

buyer and seller are not the same Member or Affiliates, the Exchange proposes to insert two new symbols immediately following the table of fees and rebates for Professional Members in Section (1)(a) of the Fee Schedule. In particular, the Exchange proposes to adopt new symbol "★," and the following explanatory sentence: "This Taker rate is for executed MIAX PEARL Market Maker Orders when the executing buyer and seller are the same Member or Affiliates." The Exchange also proposes to adopt new symbol "◆," and the following explanatory sentence: "This Taker rate is for executed MIAX PEARL Market Maker Orders when the executing buyer and seller are not the same Member or Affiliates." Accordingly, the Exchange proposes to insert each symbol following the corresponding Taker fee for options transactions in Penny classes for MIAX PEARL Market Makers when trading against Priority Customer origins in Tiers 5 and 6.

The Exchange also proposes to increase the Taker fees for options transactions in Penny classes for Professional Members when trading against origins other than Priority Customer in Tier 5 from \$0.49 to \$0.50 and in Tier 6 from \$0.49 to \$0.50.

The purpose of adjusting the specified Taker fees is for business and competitive reasons. In order to attract order flow, the Exchange initially set its Taker fees so that they were meaningfully lower than other options exchanges that operate comparable maker/taker pricing models.¹² The Exchange now believes that it is appropriate to further adjust these specified Taker fees so that they are more in line with other exchanges, but will still remain highly competitive such that they should enable the Exchange to continue to attract order flow and maintain market share.¹³

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act¹⁴ in general, and furthers the objectives of Section 6(b)(4) of the Act,¹⁵ in that it is an equitable allocation of reasonable dues, fees and other charges among Exchange members and issuers and other persons using its facilities, and

¹² See Securities Exchange Act Release Nos. 80915 (June 13, 2017), 82 FR 27912 (June 19, 2017) (SR-PEARL-2017-29); 80914 (June 13, 2017), 82 FR 27910 (June 19, 2017) (SR-PEARL-2017-30).

¹³ See Choe BZX Options Exchange Fee Schedule, under "Transaction Fees."

¹⁴ 15 U.S.C. 78f(b).

¹⁵ 15 U.S.C. 78f(b)(4).

6(b)(5) of the Act,¹⁶ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”¹⁷

There are currently 16 registered options exchanges competing for order flow. Based on publicly-available information, and excluding index-based options, no single exchange has more than approximately 15% market share for the month of February 2021.¹⁸ Therefore, no exchange possesses significant pricing power. More specifically, as of February 26, 2021, the Exchange has a market share of approximately 4.75% of executed volume of multiply-listed equity and exchange traded fund (“ETF”) options for the month of February 2021.¹⁹ The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can discontinue or reduce use of certain categories of products and services, terminate an existing membership or determine to not become a new member, and/or shift order flow, in response to transaction fee changes. For example, on February 28, 2019, the Exchange filed with the Commission a proposal to increase Taker fees in certain Tiers for options transactions in certain Penny classes for Priority Customers and decrease Maker rebates in certain Tiers for options transactions in Penny classes for Priority Customers (which fee was to be

effective March 1, 2019).²⁰ The Exchange experienced a decrease in total market share for the month of March 2019, after the proposal went into effect. Accordingly, the Exchange believes that its March 1, 2019 fee change, to increase certain transaction fees and decrease certain transaction rebates, may have contributed to the decrease in MIAX PEARL’s market share and, as such, the Exchange believes competitive forces constrain the Exchange’s, and other options exchanges, ability to set transaction fees and market participants can shift order flow based on fee changes instituted by the exchanges.

The Exchange believes its proposal to increase Taker fees in certain Tiers for options transactions in Penny classes for Priority Customers, Market Makers, and Professional Members is reasonable, equitable and not unfairly discriminatory because all similarly situated market participants in the same Origin type are subject to the same tiered Taker fees and access to the Exchange is offered on terms that are not unfairly discriminatory. For competitive and business reasons, the Exchange initially set its Taker fees for such orders generally lower than certain other options exchanges that operate comparable maker/taker pricing models.²¹ The Exchange now believes that it is appropriate to increase those specified Taker fees so that they are more in line with other exchanges, and will still remain highly competitive such that they should enable the Exchange to continue to attract order flow and maintain market share. The Exchange believes for these reasons that increasing certain Taker fees for transactions in the specified Tiers is equitable, reasonable and not unfairly discriminatory, and thus consistent with the Act.

The Exchange believes the proposal to adopt a higher Taker fee for certain Market Maker orders in Penny classes when trading against Priority Customer origins in Tiers 5 and 6 when the executing buyer and seller are not the same Member or Affiliates (versus when the executing buyer and seller are the same Member or Affiliates) provides for the equitable allocation of reasonable dues and fees and is not unfairly discriminatory since the Exchange already offers certain transaction fee discounts to Members and their Affiliates that aggregate their order flow on these types of transactions through

various pricing structures in Section 1(a) of the Fee Schedule.²² The Exchange further believes this proposal provides for the equitable allocation of reasonable dues and fees and is not unfairly discriminatory since the Exchange’s affiliate, Miami International Securities Exchange, LLC (“MIAX”), provides similar pricing structures and offers certain transaction fee discounts to MIAX Members and their Affiliates that aggregate their order flow on certain types of transactions through various tier-based pricing structures.²³ Accordingly, the Exchange believes it is reasonable, equitable, and not unfairly discriminatory to charge a higher Taker fee for certain Market Maker orders in Penny classes when trading against Priority Customer origins when the executing buyer and seller are not the same Member or Affiliates, as other discount programs currently exist for the same Member and Affiliates.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed changes in the Taker fees for the applicable market participants should continue to encourage the provision of liquidity that enhances the quality of the Exchange’s market and increases the number of trading opportunities on the Exchange for all participants who will be able to compete for such opportunities. The proposed rule changes should enable the Exchange to continue to attract and compete for order flow with other exchanges. However, this competition does not create an undue burden on competition but rather offers all market participants the opportunity to receive the benefit of competitive pricing.

The proposed Taker fee adjustments are intended to keep the Exchange’s fees highly competitive with those of other exchanges, and to encourage liquidity and should enable the Exchange to continue to attract and compete for order flow with other exchanges. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its rebates and fees to remain competitive

¹⁶ 15 U.S.C. 78f(b)(1) and (b)(5).

¹⁷ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496 (June 29, 2005).

¹⁸ The Options Clearing Corporation (“OCC”) publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: <https://www.theocc.com/market-data/volume/default.jsp>.

¹⁹ See *id.*

²⁰ See Securities Exchange Act Release No. 85304 (March 13, 2019), 84 FR 10144 (March 19, 2019) (SR-PEARL-2019-07).

²¹ See *supra* note 12.

²² See Fee Schedule, Section 1(a).

²³ See MIAX Fee Schedule, Sections 1(a)(i)–(ii) and Section 1(a)(iii), notes “◆” and “■”.

with other exchanges and to attract order flow. The Exchange believes that the proposed rule changes reflect this competitive environment because the proposal modifies the Exchange's fees in a manner that encourages market participants to continue to provide liquidity and to send order flow to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,²⁴ and Rule 19b-4(f)(2)²⁵ thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-PEARL-2021-06 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-PEARL-2021-06. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use

only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-PEARL-2021-06 and should be submitted on or before April 7, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁶

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-05445 Filed 3-16-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-91297; File No. SR-NYSE-2021-16]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Its Price List

March 11, 2021.

Pursuant to Section 19(b)(1)¹ of the Securities Exchange Act of 1934 (the "Act")² and Rule 19b-4 thereunder,³ notice is hereby given that, on March 1, 2021, New York Stock Exchange LLC ("NYSE" or the "Exchange") filed with the Securities and Exchange Commission (the "Commission") the

proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its Price List to cap the maximum average number of shares per day for the billing month in calculating the average monthly consolidated average daily volume ("CADV") and NYSE CADV for purposes of Step Up Adding Tier 3. The Exchange proposes to implement the fee changes effective March 1, 2021. The proposed rule change is available on the Exchange's website at www.nyse.com, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Price List to cap the maximum average number of shares per day for the billing month in calculating CADV and NYSE CADV for purposes of Step Up Adding Tier 3.

The proposed changes respond to the current volatile market environment that has resulted in unprecedented average daily volumes and the temporary closure of the Trading Floor,⁴

⁴ Beginning on March 16, 2020, in order to slow COVID-19 through social distancing measures, significant limitations were placed on large gatherings throughout the country. As a result, on March 18, 2020, the Exchange determined that beginning March 23, 2020, the physical Trading Floor facilities located at 11 Wall Street in New York City would close and that the Exchange would move, on a temporary basis, to fully electronic trading. See Press Release, dated March 18, 2020,

²⁴ 15 U.S.C. 78s(b)(3)(A)(ii).

²⁵ 17 CFR 240.19b-4(f)(2).

²⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 15 U.S.C. 78a.

³ 17 CFR 240.19b-4.

which are both related to the ongoing spread of the novel coronavirus ("COVID-19"), by providing a degree of certainty to member organizations adding liquidity to the Exchange.

The Exchange proposes to implement the fee changes effective March 1, 2021.

Background

Current Market and Competitive Environment

Beginning in March 2020 and continuing into 2021, markets worldwide have experienced unprecedented volatility given the ongoing spread of the novel coronavirus ("COVID-19"). Trading volumes on the Exchange have surged and remain high. For instance, between March 1 and March 30, 2020, NYSE CADV was 7.4 billion shares, 95% higher than the average NYSE CADV between 2018 and 2020. In January 2021, NYSE CADV was 5.5 billion shares, 56% higher than the average NYSE CADV for 2019.

The Exchange also operates in a highly competitive market. The Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."⁵

While Regulation NMS has enhanced competition, it has also fostered a "fragmented" market structure where trading in a single stock can occur across multiple trading centers. When multiple trading centers compete for order flow in the same stock, the Commission has recognized that "such competition can lead to the fragmentation of order flow in that

stock."⁶ Indeed, equity trading is currently dispersed across 16 exchanges,⁷ 31 alternative trading systems,⁸ and numerous broker-dealer internalizers and wholesalers, all competing for order flow. Based on publicly available information, no single exchange has more than 16% market share.⁹ Therefore, no exchange possesses significant pricing power in the execution of equity order flow. More specifically, the Exchange's market share of trading in Tape A, B and C securities combined is less than 10%.

The Exchange believes that the ever-shifting market share among the exchanges from month to month demonstrates that market participants can move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes. With respect to non-marketable order flow that would provide displayed liquidity on an Exchange, member organizations can choose from any one of the 16 currently operating registered exchanges to route such order flow. Accordingly, competitive forces constrain exchange transaction fees that relate to orders that would provide liquidity on an exchange.

The proposed rule change accordingly responds to these unprecedented events and the current competitive landscape where market participants can and do move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes.

Proposed Rule Change

Under the Step Up Adding Tier 3, the Exchange provides an incremental \$0.0006 credit in Tapes A, B and C securities for all orders from a qualifying member organization market participant identifier ("MPID") or mnemonic that sets the NBBO¹⁰ or a new BBO¹¹ if the MPID or mnemonic:

- Has adding ADV in Tapes A, B and C Securities as a percentage of Tapes A,

B and C CADV,¹² excluding any liquidity added by a DMM, that is at least 50% more than the MPID's or mnemonic's Adding ADV in Tapes A, B and C securities in June 2020 as a percentage of Tapes A, B and C CADV, and

- is affiliated with a Supplemental Liquidity Provider ("SLP") that has an Adding ADV in Tape A securities at least 0.10% of NYSE CADV, and
- has Adding ADV in Tape A securities as a percentage of NYSE CADV, excluding any liquidity added by a DMM, that is at least 0.20%.

The credit is in addition to the MPID's or mnemonic's current credit for adding liquidity and also does not count toward the combined limit on SLP credits of \$0.0032 per share provided for in the Incremental Credit per Share for affiliated SLPs whereby SLPs can qualify for incremental credits of \$0.0001, \$0.0002 or \$0.0003.

For purposes of calculating Tapes A, B and C CADV as currently used in Step Up Adding Tier 3, the Exchange proposes to establish a monthly maximum average cap of 11.5 billion shares per day for Tapes A, B and C CADV in the billing month for MPIDs or mnemonics of qualifying member organizations that are SLPs. To effectuate this change, the Exchange would add text to the tier specifying that, in a month where Tapes A, B and C CADV equals or exceeds 11.5 billion shares per day for the billing month, Tapes A, B and C CADV for that month will be subject to a cap of 11.5 billion shares per day for the billing month.

Similarly, for purposes of calculating NYSE CADV as currently used in Step Up Adding Tier 3, the Exchange proposes to establish a monthly maximum average cap of 5.5 billion shares per day for NYSE CADV in the billing month for MPIDs or mnemonics of qualifying member organizations that are SLPs. To effectuate this change, the Exchange would add text to the tier specifying that for MPIDs or mnemonics of qualifying member organizations that are SLPs, in a month where NYSE CADV equals or exceeds 5.5 billion shares per day for the billing month, NYSE CADV for that month will be subject to a cap of 5.5 billion shares per day for the billing month.

For example, assume in the billing month that a member organization that is an SLP has an average daily adding volume of 11.5 million shares. Further assume that Tapes A, B and C CADV was 14.0 billion shares during that month. To calculate the adding ADV as

available here: <https://ir.theice.com/press/press-releases/allcategories/2020/03-18-2020-204202110>. On May 14, 2020, the Exchange announced that on May 26, 2020 trading operations on the Trading Floor would resume on a limited basis to a subset of Floor brokers, subject to health and safety measures designed to prevent the spread of COVID-19. See Trader Update, dated May 14, 2020, available here: <https://www.nyse.com/traderupdate/history#110000251588>. The Trading Floor continues to operate with reduced headcount and additional health and safety precautions. See Trader Update, dated June 15, 2020, available here: <https://www.nyse.com/trader-update/history#110000272018>.

⁵ See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37495, 37499 (June 29, 2005) (S7-10-04) (Final Rule) ("Regulation NMS").

⁶ See Securities Exchange Act Release No. 61358, 75 FR 3594, 3597 (January 21, 2010) (File No. S7-02-10) (Concept Release on Equity Market Structure).

⁷ See Cboe Global Markets, U.S. Equities Market Volume Summary, available at http://markets.cboe.com/us/equities/market_share/. See generally <https://www.sec.gov/fast-answers/divisionsmarketregmrexchangesshtml.html>.

⁸ See FINRA ATS Transparency Data, available at <https://otctransparency.finra.org/otctransparency/AtsIssueData>. A list of alternative trading systems registered with the Commission is available at <https://www.sec.gov/foia/docs/atstlist.htm>.

⁹ See Cboe Global Markets U.S. Equities Market Volume Summary, available at http://markets.cboe.com/us/equities/market_share/.

¹⁰ See Rule 1.1(q) (defining "NBBO" to mean the national best bid or offer).

¹¹ See Rule 1.1(c) (defining "BBO" to mean the best bid or offer on the Exchange).

¹² The terms "ADV" and "CADV" are defined in footnote * of the Price List.

a percent of Tapes A, B and C CADV, the Exchange would use the CADV cap of 11.5 billion shares, yielding an adding percent of Tapes A, B and C CADV of 0.10% rather than 0.082% if the Exchange had used 14.0 billion shares. The example would work the same for the NYSE CADV cap of 5.5 billion shares if NYSE CADV was over 5.5 billion shares.

The Exchange does not propose to change the requirements to qualify for or the credits associated with Step Up Adding Tier 3.

The proposed changes are not otherwise intended to address other issues, and the Exchange is not aware of any significant problems that market participants would have in complying with the proposed changes.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,¹³ in general, and furthers the objectives of Sections 6(b)(4) and (5) of the Act,¹⁴ in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers.

The Proposed Change Is Reasonable

As discussed above, beginning March 2020, markets worldwide have experienced unprecedented volatility because of the ongoing spread of COVID19. As a result of this volatility, the equity markets have experienced unprecedented trading volumes. Moreover, as also discussed above, the Exchange operates in a highly fragmented and competitive market. In view of these unprecedented events, and the current competitive landscape where market participants can and do move order flow, or discontinue or reduce use of certain categories of products, in response to fee changes, the Exchange believes that the proposed rule change is reasonable. Specifically, the Exchange believes that capping the monthly Tape A, B and C CADV at a maximum of 11.5 billion shares and the monthly NYSE CADV at a maximum of 5.5 billion shares when calculating CADV for Step Up Adding Tier 3 for MPIDs or mnemonics of qualifying member organizations that are SLPs is reasonable because such extraordinarily high market volumes would make it significantly harder for member organizations that are SLPs, whose

adding volume is limited to proprietary adding liquidity, to meet the adding requirements for the tier. The Exchanges notes that the CADV share volumes cap levels are the same levels as the current CADV caps for SLP tiers in the fee schedule.

The Proposal Is an Equitable Allocation of Fees

The Exchange believes the proposal equitably allocates its fees among its market participants by fostering liquidity provision and stability in the marketplace. The Exchange believes that the proposed cap for calculating CADV for Step Up Adding Tier 3 credits in a month where Tape A, B and C CADV is equal to or greater than 11.5 billion share or when NYSE CADV is equal to or greater than 5.5 billion shares constitutes an equitable allocation of fees because the proposed change would apply to all similarly situated member organizations that are SLPs, all of whom would continue to be subject to the same fee structure, and access to the Exchange's market would continue to be offered on fair and nondiscriminatory terms.

The Proposal Is Not Unfairly Discriminatory

The Exchange believes that the proposal is not unfairly discriminatory. In the prevailing competitive environment, member organizations are free to disfavor the Exchange's pricing if they believe that alternatives offer them better value.

The proposal is not unfairly discriminatory because it neither targets nor will it have a disparate impact on any particular category of market participant. The proposed caps for calculating monthly combined CADV for Step Up Adding Tier 3 credits for adding liquidity to the Exchange also does not permit unfair discrimination because the proposed changes would apply to all similarly situated member organizations that are SLPs, who would all benefit from use of the lower volume threshold to calculate the relevant adding tier CADV across tapes on an equal basis.

For the foregoing reasons, the Exchange believes that the proposal is consistent with the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,¹⁵ the Exchange believes that the proposed rule change would not impose any burden on competition that is not necessary or appropriate in furtherance

of the purposes of the Act. Instead, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional liquidity to a public exchange, thereby promoting market depth, price discovery and transparency and enhancing order execution opportunities for member organizations. As a result, the Exchange believes that the proposed change furthers the Commission's goal in adopting Regulation NMS of fostering integrated competition among orders, which promotes "more efficient pricing of individual stocks for all types of orders, large and small."¹⁶

Intramarket Competition. The proposed changes are designed to attract additional order flow to the Exchange. The Exchange believes that the proposed changes would continue to incentivize market participants to direct displayed order flow to the Exchange. Greater liquidity benefits all market participants on the Exchange by providing more trading opportunities and encourages member organizations to send orders, thereby contributing to robust levels of liquidity, which benefits all market participants on the Exchange. The current credits would be available to all similarly-situated market participants, and, as such, the proposed change would not impose a disparate burden on competition among market participants on the Exchange. As noted, the proposal would apply to all similarly situated member organizations on the same and equal terms, who would benefit from the changes on the same basis. Accordingly, the proposed change would not impose a disparate burden on competition among market participants on the Exchange.

Intermarket Competition. The Exchange operates in a highly competitive market in which market participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees and rebates to remain competitive with other exchanges and with off-exchange venues. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their order routing practices, the Exchange does not believe its proposed fee change can impose any burden on intermarket competition.

¹³ 15 U.S.C. 78f(b).

¹⁴ 15 U.S.C. 78f(b)(4) & (5).

¹⁵ 15 U.S.C. 78f(b)(8).

¹⁶ Regulation NMS, 70 FR at 37498–99.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)¹⁷ of the Act and subparagraph (f)(2) of Rule 19b-4¹⁸ thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B)¹⁹ of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-NYSE-2021-16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File Number SR-NYSE-2021-16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>).

rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-NYSE-2021-16, and should be submitted on or before April 7, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁰

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-05451 Filed 3-16-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-91303; File No. SR-PEARL-2021-04]

Self-Regulatory Organizations; MIAx PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 2300, Supervision, and Exchange Rule 2301, Supervisory Control System

March 11, 2021.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 25, 2021, MIAx PEARL, LLC ("MIAx PEARL" or the "Exchange") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the

Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposed rule change to amend Exchange Rules 2300 and 2301 to incorporate the provisions of Financial Industry Regulatory Authority Rules 3110 and 3120 regarding supervision and supervisory controls.

The text of the proposed rule change is available on the Exchange's website at <http://www.miaxoptions.com/rule-filings/pearl> at MIAx PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Exchange Rules 2300 and 2301 to incorporate the provisions of Financial Industry Regulatory Authority, Inc. ("FINRA") Rules 3110 and 3120 regarding supervision and supervisory controls.³

Exchange Rule 2300, Supervision

The Exchange proposes to amend Exchange Rule 2300 to incorporate the provisions of FINRA Rule 3110. Exchange Rule 2300 would be identical to the FINRA Rule with the only differences being replacing references to "FINRA" with the "Exchange" and to replacing references to the following FINRA Rules with the applicable Exchange Rule:

- FINRA Rule 3110 would be replaced with Exchange Rule 2300

¹⁷ 15 U.S.C. 78s(b)(3)(A).

¹⁸ 17 CFR 240.19b-4(f)(2).

¹⁹ 15 U.S.C. 78s(b)(2)(B).

²⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ The proposed rule change is based on Investors Exchange, Inc. ("IEX") Rules 5.110 and 5.120.

- FINRA Rule 3210 would be replaced with Exchange Rule 2305
- FINRA Rule 2210(b)(1) would be replaced with Exchange Rule 2104

Like FINRA Rule 3110, Exchange Rule 2300 would require a firm to establish and maintain a system to supervise the activities of its associated persons that is reasonably designed to achieve compliance with the applicable securities laws and regulations and Exchange rules.

Exchange Rule 2300 would detail requirements for a firm to have reasonably designed written supervisory procedures (“WSPs”) to supervise the activities of its associated persons and the types of businesses in which it engages. Among other things, a firm’s WSPs must address supervision of supervisory personnel and provide for the review of a firm’s investment banking and securities business, correspondence and internal communications, and customer complaints. WSPs should describe:

- The specific individual(s) responsible for each review,
- the supervisory activities such persons will perform,
- the frequency of the review, and
- the manner of documentation.

The rule further sets forth requirements to designate and register branch offices and offices of supervisory jurisdiction (OSJs), conduct internal inspections and review transactions for insider trading.

Firms must also adopt procedures that include a means of customer confirmation for certain transactions such as transmittal of customer funds, changes in address, and changes in investment objectives.

Exchange Rule 2301, Supervisory Control System

The Exchange proposes to amend Exchange Rule 2301 to incorporate the provisions of FINRA Rule 3120. Exchange Rule 2301 would be identical to FINRA Rule 3120 with the only differences being replacing references to “FINRA” with the “Exchange”.

Like FINRA Rule 3120, Exchange Rule 2301 would require a firm to have a system of supervisory control policies and procedures (“SCPs”) that tests and verifies a firm’s supervisory procedures. It is essential for a firm to recognize that FINRA Rule 3120’s requirement to have specific SCPs differs from the requirement for WSPs. A firm not only needs to maintain WSPs, but the firm also must have SCPs to test and verify, at least annually, that its WSPs are reasonably designed with respect to the firm’s and its associated persons’ activities to achieve compliance with

applicable securities laws and regulations and Exchange Rules, and to create additional or amend WSPs as identified by such testing and verification. Risk-based methodologies and sampling may be used to determine the scope of testing. The testing ensures that a firm’s supervisory procedures are reviewed and amended regularly in light of changing business and regulatory environments.

Pursuant to Exchange Rule 2301, like FINRA Rule 3120, a firm must designate principal(s) to be responsible for establishing, maintaining and enforcing a firm’s SCPs. The designated principal(s) also must prepare, at least annually, a report detailing the firm’s supervisory control system and submit it to senior management (Rule 2301 Report). The Rule 2301 Report must include a summary of the test results and significant identified exceptions, and any additional or amended supervisory procedures created in response to the test results.

If a firm has reported \$200 million or more in gross revenue on its FOCUS report in the prior calendar year, like FINRA Rule 3120, Exchange Rule 2301 would require that the firm’s annual report include specified additional content, to the extent applicable to the firm’s business.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,⁴ in general, and furthers the objectives of Section 6(b)(5),⁵ in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change would remove impediments to and promote just and equitable principles of trade because it would memorialize within the Exchange’s rules supervisory requirements identical to those set forth in FINRA Rules 3110 and 3120. Doing so would explicitly set forth Member’s supervisory requirements within the Exchange Rules without setting forth additional supervisory requirements or undue burden on Members. The Exchange notes the proposed rule change would also align the Exchange’s supervisory rules with those of IEX.⁶

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

⁶ IEX Rules 5.110 and 5.120.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to have a competitive impact because it is not intended to attract additional business to the Exchange. It is simply intended to incorporate the provisions of Financial Industry Regulatory Authority Rules 3110 and 3120 regarding supervision and supervisory controls within Exchange Rules 2300 and 2301.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has become effective pursuant to 19(b)(3)(A) of the Act⁷ and Rule 19b-4(f)(6)⁸ thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

⁷ 15 U.S.C. 78s(b)(3)(A).

⁸ 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-PEARL-2021-04 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-PEARL-2021-04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR-PEARL-2021-04 and should be submitted on or before April 7, 2021. For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁹

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-05444 Filed 3-16-21; 8:45 am]

BILLING CODE 8011-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-91299; File No. SR-Phlx-2021-03]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Modify Phlx Options 8, Section 26, "Trading Halts, Business Continuity and Disaster Recovery"

March 11, 2021.

I. Introduction

On January 7, 2021, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² a proposed rule change to modify Phlx Options 8, Section 26 (Trading Halts, Business Continuity and Disaster Recovery) to make available an audio and video communication program to serve as a "virtual trading crowd" in the event the physical trading floor becomes unavailable, the back-up trading floor becomes inoperable or the Exchange otherwise determines not to operate its back-up trading floor. The proposed rule change was published in the **Federal Register** on January 14, 2021.³ On February 26, 2021, pursuant to Section 19(b)(2) of the Act,⁴ the Commission designated a longer period within which to either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.⁵ On March 2, 2021, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change.⁶ This order approves the proposed rule change, as modified by Amendment No. 1.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ See Securities Exchange Act Release No. 90880 (January 8, 2021), 86 FR 3217 ("Notice").

⁴ 15 U.S.C. 78s(b)(2).

⁵ See Securities Exchange Act Release No. 91220, 86 FR 12733 (March 4, 2021). The Commission designated April 14, 2021, as the date by which it should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change.

⁶ In Amendment No. 1, the Exchange made technical corrections and revisions to the proposed rule text for readability and consistency.

Amendment No. 1 is available on the Commission's website at: <https://www.sec.gov/comments/sr-phlx-2021-03/srphlx202103-8436948-229661.pdf>.

II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

Options 8, Section 26(g)(1) currently provides that if the physical location designated as the "Trading Floor" becomes unavailable, Phlx will enact its Business Continuity Plan ("BCP") and designate the Philadelphia Navy Yard as its "Back-Up Trading Floor." Further, in the event that the Back-Up Trading Floor becomes inoperable, the Exchange will only operate its electronic market and will not operate a Trading Floor.⁷ The Exchange will operate only its electronic market until the Exchange's Trading Floor facility is operational.⁸ Open outcry trading will not be available in the interim.⁹

On March 17, 2019, Phlx closed the Trading Floor as a result of precautions taken with respect to COVID-19 and operated in an all-electronic configuration during that time.¹⁰ Due to the uncertainty related to the ongoing pandemic, which includes the possibility of having to close the Trading Floor again, the Exchange now has proposed to adopt Options 8, Section 26(g)(3) to permit open outcry trading to take place in an audio and video communication program to serve as a "virtual trading crowd" if the Trading Floor becomes unavailable, the Back-Up Trading Floor becomes inoperable or the Exchange otherwise determines not to operate its Back-Up Trading Floor.¹¹ The Exchange represents that if it were to determine to use the virtual trading crowd in a more permanent manner for reasons other than business continuity purposes, the Exchange would submit a separate rule filing to the Commission.¹²

In the program, the Exchange would create virtual trading crowds, in each of which the Exchange would determine which options class(es) will be available for trading.¹³ Phlx members would access a virtual trading crowds via "zones."¹⁴ Similar to the Trading Floor,

⁷ See Phlx Options 8, Section 26(g)(2).

⁸ *Id.*

⁹ *Id.*

¹⁰ See Notice, *supra* note 3, 86 FR at 3218.

¹¹ Phlx also proposes to update Options 8, Section 26(g)(1) and (2) to specify the availability of the virtual trading crowd in the event the Trading Floor and/or Back-Up Trading floor is unavailable, or the Exchange otherwise determines not to operate its Back-Up Trading Floor. See proposed Options 8, Section 26(g)(1) and (2).

¹² See Notice, *supra* note 3, 86 FR at 3218, n.8.

¹³ The Exchange states that this is similar to the Exchange's authority with respect to open outcry trading on the Trading Floor. See *id.*, 86 FR at 3218.

¹⁴ See proposed Options 8, Section 26(g)(3)(B)(3). A "zone" is a virtual room representing a virtual trading crowd. See Notice, *supra* note 3, 86 FR at 3218, n.11.

⁹ 17 CFR 200.30-3(a)(12).

multiple classes may trade in a single virtual trading crowd, available for trading in a single zone.¹⁵ The Exchange may designate one or more zones.¹⁶ The Exchange will assign each Floor Market Maker to a zone and Floor Brokers may determine in which zone(s) they will be present.¹⁷ The Exchange believes that the proposed configuration of the virtual trading crowd is a practical replication of the structure of the Trading Floor that will allow market participants to interact in nearly the same manner as they do on the Trading Floor.¹⁸

All Options 8 Rules will apply to open outcry trading in the virtual trading crowd in the same manner as they apply to open outcry trading on the Trading Floor, except as otherwise provided for in proposed Options 8, Section 26(g)(3)(F), described below. Proposed Options 8, Section 26(g)(3)(A) lists certain terms in the Rules related to open outcry trading on the Trading Floor that will be deemed to refer to corresponding terms related to open outcry trading in the virtual trading crowd. Specifically:

- References in the Rules to the “floor,” “trading floor,” and “Exchange floor” (and any other terms with the same meaning) will be deemed to refer to the virtual trading crowd; and
- References in the Rules to “physical presence” or “on-floor” or “floor” (and any other terms with the same meaning) will be deemed to refer to “presence” in a virtual trading crowd.

The Exchange represents that access to the virtual trading crowd will be substantially similar to access to the Trading Floor.¹⁹ Access to the virtual trading crowd will be limited to members and member organizations, clerks, Exchange employees, and any other persons the Exchange authorizes admission to the virtual trading crowd.²⁰ The Exchange will provide

access to the virtual trading crowd to members the Exchange has approved to perform a Trading Floor function (including Floor Brokers and Floor Market Makers).²¹ Every member and the member’s employees in the virtual trading crowd must consent to video and audio recording in order to participate in the virtual trading crowd.²²

Members will be required to join the virtual trading crowd via a computer and either computer audio, cell phone, or hard-wired phone, as determined by the Exchange.²³ Every member must be identified within the chat by name in place of a badge requirement.²⁴ Any unidentified attendee will be removed from the virtual trading crowd.²⁵ Every member in the virtual trading crowd must provide Market Operations with a contact number where Market Operations will be able to reach them during the trading day.²⁶ The contact number may not be the same number that is being used to connect to the virtual trading crowd.²⁷ Floor members will be responsible for maintaining updated contact information.²⁸

Members and member organizations may use any equipment to access the virtual trading crowd and do not need to register devices they use while in the virtual trading crowd.²⁹ Notwithstanding Options 8, Section 28(g) and Options 8, Section 30(e), members and member organizations would be permitted remote access to the Options Floor Based Management System (“FBMS”) when the virtual trading floor is enacted for purposes of executing transactions which require exposure in open outcry.³⁰

²¹ See Notice, *supra* note 3, 86 FR at 3219.

²² See proposed Options 8, Section 26(g)(3)(B)(1).

²³ See proposed Options 8, Section 26(g)(3)(B)(2). Phlx states that it will send a password-protected invitation to each floor participant permitted access to the virtual trading crowd. See Notice, *supra* note 3, 86 FR at 3220.

²⁴ See proposed Options 8, Section 26(g)(3)(B). The Exchange states that members would be required to join the virtual trading crowd in a manner that clearly identifies the member or member’s employee. See Notice, *supra* note 3, 86 FR at 3219.

²⁵ *Id.* The Exchange represents that it will have an audit trail of the telephone numbers that have joined each remote conferencing session in order to ensure that only members join the remote conferencing feature. See *id.*, 86 FR at 3220.

²⁶ See proposed Options 8, Section 26(g)(3)(B)(2).

²⁷ See *id.*

²⁸ See *id.*

²⁹ See proposed Options 8, Section 26(g)(3)(C). The Exchange represents that Options 8, Section 38 (Communications and Equipment) will otherwise apply in the same manner to the virtual trading crowd as it does to the Trading Floor (to the extent the context requires). See Notice, *supra* note 3, 86 FR at 3220.

³⁰ See proposed Options 8, Section 26(g)(3)(C). The Exchange states that floor members must use

The Exchange may determine to require any Floor Market Maker or Floor Broker in a virtual trading crowd that attempts trades against an order represented for execution to express its bid or offer in a chat available in the remote conferencing feature.³¹ Chats will be visible to all participants in a zone and will not be permitted directly between individual participants.³² The Exchange states that it will require members to utilize the chat function if Surveillance determines that increased volume or activity in the virtual trading crowd warrant mandatory use of the chat feature for members to maintain a fair and orderly market.³³

Furthermore, the Exchange proposes to set forth the following open outcry requirements in the virtual trading crowd:³⁴

- Prior to speaking on remote conferencing, each member must announce themselves each time.
- If a member experiences a technical issue accessing the remote conferencing, the Exchange will not be responsible for unexecuted trades.
- Floor Market Maker quotes will be considered firm in the event the Floor Market Maker is disconnected from the virtual trading crowd and the parties have a Meeting of the Minds with respect to the terms of the transaction. A “Meeting of the Minds” means the contra-side(s) verbally confirmed participation in the trade. In the event that a Floor Market Maker is disconnected from the virtual trading crowd, a Floor Market Maker quote would not be considered firm if the quote were provided and the parties did not have a Meeting of the Minds with respect to the terms of the transaction.³⁵

Exchange-provided FBMS, to the extent applicable, while transacting in the virtual trading crowd. See Notice, *supra* note 3, 86 FR at 3220. The Exchange also represents that all FBMS order and transaction data, as well as compliance checks, available on the Trading Floor will continue to be available in the virtual trading crowd. See *id.*, 86 FR at 3219.

³¹ See proposed Options 8, Section 26(g)(3)(D).

³² See proposed Options 8, Section 26(g)(3)(D). The Exchange will retain records of the chats, consents, and any other records related to the virtual trading crowd that are subject to the Exchange’s record retention obligations under the Act. See proposed Options 8, Section 26(g)(3)(E).

³³ See Notice, *supra* note 3, 86 FR at 3221. The Exchange believes that the chat tool will benefit virtual trading crowd participants due to the limitations of communication software (such as limitations on how many people may be heard at the same time in a virtual trading crowd or potential buffering or echoing). See *id.*, 86 FR at 3220–21.

³⁴ See proposed Options 8, Section 26(g)(3)(F)(1)a.–g.

³⁵ Floor Market Maker quotes on the Trading Floor are considered firm when announced in open outcry and once accepted the transaction may be effectuated within FBMS. See Notice, *supra* note 3, 86 FR at 3221. Additionally, a Floor Market Maker

¹⁵ See proposed Options 8, Section 26(g)(3)(B)(3). ¹⁶ *Id.*

¹⁷ *Id.* The Exchange states that this arrangement is similar to the arrangement of the Trading Floor. See Notice, *supra* note 3, 86 FR at 3218, n.11.

¹⁸ See *id.*, 86 FR at 3223.

¹⁹ See Notice, *supra* note 3, 86 FR at 3219. The Exchange states that, currently, admission to the Trading Floor is limited to members and member organizations, Exchange employees, clerks employed by members and member organizations, inactive nominees, and Exchange visitors that receive authorized admission to the Trading Floor pursuant to Exchange policy, and any other persons that the Exchange authorizes admission to the Trading Floor. See *id.*

²⁰ See proposed Options 8, Section 26(g)(3)(B). The Exchange states that it is not proposing to amend its membership requirements with respect to the virtual trading crowd. See Notice, *supra* note 3, 86 FR at 3219. Persons and entities may apply to become a Phlx member by complying with the membership requirements described within Phlx General 3 (Membership and Access). *Id.*

- FLEX Trade tickets must be sent by email to the Phlx Correction Post.
- A break-out room may be utilized to declare a dispute or otherwise notify an Options Floor Official of any required notifications.³⁶
- A member may not permit any other unauthorized person to gain audio or video access to the virtual trading crowd. A member shall not record any trading sessions.

Technical Amendments

The Exchange proposes to amend Options 8, Section 22 (Execution of Options Transactions on the Trading Floor) to correct two incorrect citations to Options 8, Section 35 in Options 8, Sections 22(b) and (c).

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Act,³⁷ and the rules and regulations thereunder applicable to a national securities exchange.³⁸ In particular, the Commission finds that the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Act,³⁹ which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

As discussed above, Phlx proposes to adopt rules to enable a virtual trading crowd for open outcry trading when the Trading Floor and Back-Up Trading Floor are unavailable. This would allow trading on the Exchange to occur more similarly to physical floor trading than the current rules for all-electronic trading in situations when the floor becomes inoperable. Among other things, the Exchange believes that the proposed enhancement to its BCP through the implementation of a virtual trading crowd environment would

ameliorate some of the features in open outcry trading that are difficult to replicate in an all-electronic environment, particularly the segment of trading strategies that benefit from human interactions to negotiate pricing and to facilitate executions of large orders and high-risk and complicated trading strategies.⁴⁰ The Exchange believes that the proposed rule change may facilitate continued trading of these orders if and when the Trading Floor and Back-Up Trading Floor are unavailable. As a result, the Exchange believes that providing continuous access to open outcry trading in these circumstances will remove impediments to a free and open market and will ultimately benefit investors, particularly those executing high-risk and complex trading strategies.

The Commission finds that the proposed implementation of the virtual trading crowd for BCP purposes is consistent with the Act. The Commission believes that the proposed virtual trading crowd will allow the Exchange to provide a trading environment to floor members that is reasonably designed to facilitate open outcry trading when circumstances restrict physical human interaction on the Trading Floor and Back-Up Trading Floor. The Commission notes that the Exchange has conducted several town halls with floor members on the virtual trading crowd and made the functionality available for testing so that the Exchange will be ready to implement it if necessary. The Exchange states that it has received positive feedback from floor members regarding the tool and will continue to make updates as necessary and appropriate in response to member feedback.⁴¹ As a result, the Commission finds that the virtual trading crowd is reasonably designed to allow continuous access to open outcry trading, which will remove impediments to a free and open market and may ultimately benefit investors, particularly those facilitating executions of large orders and complex trading strategies.

Additionally, the design of the virtual trading zones to closely replicate the arrangement of the physical trading floor will facilitate the rollout of the virtual trading crowd to floor members and help remove impediments to a free and open market when the Trading Floor and Back-Up Trading Floor become unavailable. Virtual trading zones will provide floor members the ability to interact in a substantially similar way as they do on the Trading

Floor. Furthermore, the proposed chat functionality, which is not otherwise available on the Trading Floor, is reasonably designed to create a virtual environment that promotes fair and orderly markets by providing floor participants with an additional tool to communicate with one another to the extent necessary given the potential inherent limitations of communication software.

Finally, the Commission finds that the design of the virtual trading crowd will help prevent fraudulent and manipulative acts and practices, and promote just and equitable principles of trade by requiring that the Rules and regulatory requirements apply in the substantially the same manner as open outcry on the Trading Floor.

Specifically, the Exchange represents that all Rules related to open outcry trading, including within Options 8, will apply to open outcry trading in a virtual trading crowd, except as otherwise provided for in proposed Options 8, Section 26(g)(3)(F).⁴² Floor members participating in a virtual trading crowd will be subject to the same regulatory requirements on the virtual trading floor as they are on the Trading Floor, including those set forth in General 8.⁴³ Orders in the virtual trading crowd must be systematized and represented, and transactions reported, in the same manner as on the Trading Floor.⁴⁴ The Exchange also requires that floor members use Exchange-provided FBMS, to the extent applicable, while transacting in the virtual trading crowd, and represents that all FBMS order and transaction data, as well as compliance checks, available on the Trading Floor will continue to be available in the virtual trading crowd.⁴⁵ In addition, Phlx Surveillance staff will remotely surveil transactions in the virtual trading crowd, in real-time, and an Options Floor Official will be present in each virtual trading crowd.⁴⁶ Moreover, the Exchange represents that it will retain records of the chats, consents, and any other records related to the virtual trading consistent with the Exchange's record retention obligations under the Act.⁴⁷

that experiences issues with internet connection, makes an error or otherwise is unaware of recent news in a particular option, would be held to a quote verbalized in open outcry. *See id.*

³⁶ The Exchanges states that it would establish a break-out room within the remote conferencing for each dispute. *See id.*

³⁷ 15 U.S.C. 78f.

³⁸ In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

³⁹ 15 U.S.C. 78f(b)(5).

⁴⁰ *See* Notice, *supra* note 3, 86 FR at 3222.

⁴¹ *See id.*, 86 FR at 3222.

⁴² *See supra* notes 21–26; 30–32 and accompanying text.

⁴³ *See id.*, 86 FR at 3223.

⁴⁴ *See id.*

⁴⁵ *See id.*, 86 FR at 3219.

⁴⁶ *See id.*, 86 FR at 3223. The Exchange also represents that the Floor Surveillance Procedures will be updated to account for the video conferencing and chat requirements, as well as any changes to surveil a virtual trading crowd. *See id.*

⁴⁷ *See id.*, 86 FR at 3223.

IV. Solicitation of Comments on Amendment No. 1

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment No. 1 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number SR-Phlx-2021-03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090. All submissions should refer to File No. SR-Phlx-2021-03. The file numbers should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make publicly available. All submissions should refer to File No. SR-Phlx-2021-03 and should be submitted on or before April 7, 2021.

V. Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1

The Commission finds good cause for approving the proposed rule change, as

amended by Amendment No. 1, prior to the 30th day after the date of publication of notice in the **Federal Register**. In Amendment No. 1, the Exchange made technical corrections and revisions to the proposed rule text for readability and consistency.⁴⁸ The Commission notes that Amendment No. 1 does not change the substance of the proposed rule change, but merely adds detail and clarification to several items of the proposal. Accordingly, the Commission finds good cause for approving the proposed rule change, as amended, on an accelerated basis, pursuant to Section 19(b)(2) of the Act.⁴⁹

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁵⁰ that the proposed rule change, as modified by Amendment No. 1 (SR-Phlx-2021-03), be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵¹

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021-05448 Filed 3-16-21; 8:45 am]

BILLING CODE 8011-01-P

DEPARTMENT OF STATE

[Public Notice 11377]

60-Day Notice of Proposed Information Collection: Foreign Service Officer Test Registration Form

ACTION: Notice of request for public comment.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collection described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on this collection from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collection to OMB.

DATES: The Department will accept comments from the public up to *May 17, 2021*.

ADDRESSES: You may submit comments by any of the following methods:

- *Web:* Persons with access to the internet may comment on this notice by

going to www.Regulations.gov. You can search for the document by entering "Docket Number: DOS-2021-0005" in the Search field. Then click the "Comment Now" button and complete the comment form.

- *Email:* FSOTQuestions@state.gov.
- *Regular Mail:* Send written comments to: Board of Examiners for the Foreign Service, FSOT Registration Form Comments Department of State SA-1, H-518, 2401 E Street NW, Washington, DC 20522.

- *Fax:* (202) 736-9190, Attn: FSOT Registration Form Comments.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Board of Examiners for the Foreign Service, Department of State SA-1, H-518, 2401 E Street NW, Washington, DC 20522.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Registration for the Foreign Service Officer Test.
- *OMB Control Number:* 1405-0008.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Human Resources, Board of Examiners.
- *Form Number:* DS-1998E.
- *Respondents:* Registrants for the Foreign Service Officer Test.
- *Estimated Number of Respondents:* 12,000.
- *Estimated Number of Responses:* 12,000.
- *Average Time per Response:* 2 hours.
- *Total Estimated Burden Time:* 24,000 hours.
- *Frequency:* Annually.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques

⁴⁸ See Amendment No. 1, *supra* note 6.

⁴⁹ 15 U.S.C. 78s(b)(2).

⁵⁰ *Id.*

⁵¹ 17 CFR 200.30-3(a)(57) and (58).

or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

Individuals registering for the Foreign Service Officer Test will complete a Registration Form, asking for their name, contact information, ethnicity, education and work history, and military experience. The information will be used to prepare and issue admission to the Foreign Service Officer Test, to provide data useful for improving future tests, and to conduct research studies based on the test results.

Methodology

The registration process, which includes concurrent application submission and seat selection, opens approximately four (4) weeks prior to each testing window. To register, individuals go to pearsonvue.com/fsot/ during the four-week period prior to a specific testing window to create an account, submit completed eligibility verification and application forms, and select a location and seat for the specific test date.

Kevin E. Bryant,

Deputy Director, Office of Directives Management, Department of State.

[FR Doc. 2021-05500 Filed 3-16-21; 8:45 am]

BILLING CODE 4710-15-P

DEPARTMENT OF STATE

[Public Notice: 11375]

30-Day Notice of Proposed Information Collection: Refugee Biographic Data

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments up to April 16, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT:

Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Delicia Spruell, PRM/Admissions, 2025 E Street NW, SA-9, 8th Floor, Washington, DC 20522-0908, who may be reached on (202) 453-9257 or (202) 568-2964 or at SpruellDA@state.gov.

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Refugee Biographic Data.
- *OMB Control Number:* 1405-0102.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Bureau of Population, Refugees, and Migration, Office of Admissions, PRM/A.
- *Form Number:* No form.
- *Respondents:* Refugee applicants for the U.S. Refugee Admissions Program.
- *Estimated Number of Respondents:* 15,000.
- *Estimated Number of Responses:* 10,124.
- *Average Time per Response:* 3 hours.
- *Total Estimated Burden Time:* 30,372.
- *Frequency:* Once per respondent.
- *Obligation to Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Refugee Biographic Data Sheet includes a refugee applicant's personal information and is needed to initiate refugee resettlement processing, adjudicate the refugee applicant's application for admission to the United States, to run security checks on refugee applicants by law enforcement and intelligence communities, to conduct medical screenings, and to plan international travel before a refugee applicant can be approved to travel to the United States. In addition, the information is used to match the refugee with a sponsoring voluntary agency for initial reception and placement in the U.S. under the United States Refugee Admissions Program administered by the Bureau of Population, Refugees, and Migration (PRM).

The information collected includes date and place of birth, gender, contact information, including social media handles, marital status, family ties, religion, ethnic group, background, education, occupation, skills, medical information, English language ability, associated family members' refugee resettlement cases, and identity documents. The data is used to initiate refugee resettlement processing, to adjudicate the refugee claim by USCIS, to run security checks on refugees by law enforcement and intelligence communities before refugees can be approved to travel to the United States. Data is also provided to conduct a medical screening before the refugee's arrival in the United States, to plan the refugee's international travel, and to resettlement agencies to determine an appropriate resettlement location in the United States. If the data were not collected, refugees could not be properly vetted by law enforcement and intelligence communities, and therefore refugee applicants could no longer be processed through the U.S. Refugee Admissions Program. In addition, the resettlement agencies would not be able to provide appropriate initial reception and placement services as provided for in the Refugee Act.

Methodology

Biographic information is collected in a face-to-face intake process with the applicant overseas. An employee of a Resettlement Support Center, under cooperative agreement with PRM, collects the information and enters it into the Worldwide Refugee Admissions Processing System. The Department is also building a new case management system to replace WRAPS to allow for more effective and efficient electronic management of refugee resettlement

cases. This system, called START, will perform the same overall functions as the WRAPS system. The Department began deployment of START in late 2020 and expects full deployment to all locations worldwide by late 2021. The Department has designed this data collection to make most efficient use of digital data capture. While this does not represent a complete end-to-end electronic process, it equates to paperwork reduction by incorporation of the electronic entry of intake responses.

Lawrence E. Bartlett,

Director, Office of Admissions, Bureau of Population, Refugees, and Migration, Department of State.

[FR Doc. 2021-05479 Filed 3-16-21; 8:45 am]

BILLING CODE 4710-33-P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 55 (Sub-No. 803X)]

CSX Transportation, Inc.— Abandonment Exemption—in Boone County, W. Va.

CSX Transportation, Inc. (CSXT), has filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments* to abandon an approximately 9.9-mile rail line between milepost CLN 0.3 and milepost CLN 10.2, in Boone County, W. Va. (the Line).¹ The Line traverses U.S. Postal Service Zip Code 25181 and there is one station on the Line, Prenter, at milepost CLN 10 (FSAC 82243/OPSL 64790).²

CSXT has certified that: (1) No local traffic has moved over the Line for at least two years; (2) because the Line is not a through route, there is no overhead traffic on the Line and, therefore, none needs to be rerouted; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7 and 1105.8 (notice of environmental and historic report), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

¹ CSXT was granted authority in 2017 to discontinue service over the Line. *CSX Transp., Inc.—Discontinuance of Serv. Exemption—in Boone Cnty., W. Va.*, AB 55 (Sub No. 769X) (STB served Jan. 6, 2017).

² According to CSXT, the station can be closed.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received,³ the exemption will be effective on April 16, 2021, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues must be filed by March 26, 2021.⁴ Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2), and interim trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 29, 2021.⁵ Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 6, 2021.

All pleadings, referring to Docket No. AB 55 (Sub-No. 803X), should be filed with the Surface Transportation Board via e-filing on the Board's website. In addition, a copy of each pleading must be served on CSXT's representative, Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSXT has filed a combined environmental and historic report that addresses the potential effects, if any, of the abandonment on the environment and historic resources. OEA will issue a Draft Environmental Assessment (Draft EA) by March 22, 2021. The Draft EA will be available to interested persons on the Board's website, by writing to OEA, or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Relay Service at (800) 877-8339.

³ Persons interested in submitting an OFA must first file a formal expression of intent to file an offer, indicating the type of financial assistance they wish to provide (*i.e.*, subsidy or purchase) and demonstrating that they are preliminarily financially responsible. See 49 CFR 1152.27(c)(2)(i).

⁴ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Serv. Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁵ Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

Comments on environmental and historic preservation matters must be filed within 15 days after the Draft EA becomes available to the public.

Environmental, historic preservation, public use, or interim trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by the CSXT's filing of a notice of consummation by March 17, 2022, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available at www.stb.gov.

Decided: March 11, 2021.

By the Board, Allison C. Davis, Director, Office of Proceedings.

Tammy Lowery,
Clearance Clerk.

[FR Doc. 2021-05466 Filed 3-16-21; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on a Land Release Request at Council Bluffs Municipal Airport (CBF), Council Bluffs, Iowa

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of request to release and sell airport land.

SUMMARY: The FAA proposes to rule and invites public comment on the request to release and sell a 14.1 acre parcel of federally obligated airport property at the Council Bluffs Municipal Airport (CBF), Council Bluffs, Iowa.

DATES: Comments must be received on or before April 16, 2021.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G, 901 Locust, Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Andy Biller, Executive Director, Council Bluffs Municipal Airport, 101 McCandless Lane, Council Bluffs, IA 51503, (712) 322-2284.

FOR FURTHER INFORMATION CONTACT:

Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G, 901 Locust, Room 364, Kansas City, MO 64106, (816) 329-2603, amy.walter@faa.gov. The request to release property may be reviewed, by appointment, in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to release a 14.1 acre parcel of airport property at the Council Bluffs Municipal Airport (CBF) under the provisions of 49 U.S.C. 47107(h)(2). The Council Bluffs Airport Authority requested a release from the FAA to sell the parcel to Pottawattamie County to construct a new Roads Department Office and Vehicle Maintenance Shop. The FAA determined this request to release and sell property at the Council Bluffs Municipal Airport (CBF) submitted by the Sponsor meets the procedural requirements of the FAA and the release and sale of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The following is a brief overview of the request:

The Council Bluffs Municipal Airport (CBF) is proposing the release and sale of a parcel of airport property containing 14.1 acres. The release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The sale of the subject property will result in the land at the Council Bluffs Municipal Airport (CBF) being changed from aeronautical to non-aeronautical use and release the lands from the conditions of the Airport Improvement Program Grant Agreement Grant Assurances in order to sell the land. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market value for the property, which will be subsequently reinvested in another eligible airport improvement project for general aviation use.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may request an appointment to inspect the application, notice and other documents determined by the FAA to be related to the application in person at the Council Bluffs Municipal Airport.

Issued in Kansas City, MO, on March 11, 2021.

James A. Johnson,

Director, FAA Central Region, Airports Division.

[FR Doc. 2021-05480 Filed 3-16-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****Waiver of Aeronautical Land Use Assurance: Independence Municipal Airport (IDP), Independence, KS**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent of waiver with respect to land use change from aeronautical to non-aeronautical.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal from the City of Independence, KS, to release a 10.675 acre parcel of land from the federal obligation dedicating it to aeronautical use and to authorize this parcel to be used for revenue-producing, non-aeronautical purposes.

DATES: Comments must be received on or before April 16, 2021.

ADDRESSES: Comments on this application may be mailed or delivered to the FAA at the following address: Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G, 901 Locust Room 364, Kansas City, MO 64106.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to: Kelly Paussauer, City Manager, City of Independence, 811 W Laurel Street, Independence, KS 67301, (620) 332-2506.

FOR FURTHER INFORMATION CONTACT:

Amy J. Walter, Airports Land Specialist, Federal Aviation Administration, Airports Division, ACE-620G, 901 Locust Room 364, Kansas City, MO 64106, Telephone number (816) 329-2603, Fax number (816) 329-2611, email address: amy.walter@faa.gov.

SUPPLEMENTARY INFORMATION: The FAA invites public comment on the request to change a 10.675 acre parcel of airport property at the Independence Municipal Airport (IDP) from aeronautical use to non-aeronautical for revenue producing use. This parcel will be leased to a local gun club.

No airport landside or airside facilities are presently located on this parcel, nor are airport developments

contemplated in the future. There is no current use of the surface of the parcel. The parcel will serve as a revenue producing lot with the proposed change from aeronautical to non-aeronautical. The request submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the change to non-aeronautical status of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this Notice.

The following is a brief overview of the request:

The Independence Municipal Airport (IDP) is proposing the use release of a 10.675 acre parcel of land from aeronautical to non-aeronautical. The use release of land is necessary to comply with Federal Aviation Administration Grant Assurances that do not allow federally acquired airport property to be used for non-aviation purposes. The rental of the subject property will result in the land at the Independence Municipal Airport (IDP) being changed from aeronautical to non-aeronautical use and release the lands from the conditions of the Airport Improvement Program Grant Agreement Grant Assurances. In accordance with 49 U.S.C. 47107(c)(2)(B)(i) and (iii), the airport will receive fair market rental value for the property. The annual income from rent payments will generate a long-term, revenue-producing stream that will further the Sponsor's obligation under FAA Grant Assurance number 24, to make the Independence Municipal Airport as financially self-sufficient as possible. Following is a legal description of the subject airport property at the Independence Municipal Airport (IDP):

A tract of land located in a portion of the Northeast Quarter of Section 28, Township 33 South Range 15 East of the 6th P.M., Montgomery County, Kansas, being more particularly described as follows: Commencing at the Northeast corner of Section 28; thence S 88°15'13" W, a distance of 425.67 feet; thence S 01°22'04" E, a distance of 289.89 feet to the Point of Beginning; thence continuing S 01°22'04" E, a distance of 620.00 feet; thence S 88°37'56" W, a distance of 750.00 feet; thence N 01°22'04" W, a distance of 620.00 feet; thence N 88°37'56" E, a distance of 750.00 feet to the Point of Beginning. Containing 10.675 acres.

Any person may inspect, by appointment, the request in person at the FAA office listed above. In addition, any person may upon request, inspect the application, notice and other

documents determined by the FAA to be related to the application in person at the Independence Municipal Airport.

Issued in Kansas City, MO, on March 11, 2021.

James A. Johnson,

Director, FAA Central Region, Airports Division.

[FR Doc. 2021-05520 Filed 3-16-21; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2012-0154; FMCSA-2013-0121; FMCSA-2013-0124; FMCSA-2014-0102; FMCSA-2014-0103; FMCSA-2014-0104; FMCSA-2014-0106; FMCSA-2014-0107; FMCSA-2018-0135; FMCSA-2018-0136; FMCSA-2018-0137]

Qualification of Drivers; Exemption Applications; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 27 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates provided below. Comments must be received on or before April 16, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2012-0154, Docket No. FMCSA-2013-0121, Docket No. FMCSA-2013-0124, Docket No. FMCSA-2014-0102, Docket No. FMCSA-2014-0103, Docket No. FMCSA-2014-0104, Docket No. FMCSA-2014-0106, Docket No. FMCSA-2014-0107, Docket No. FMCSA-2018-0135, Docket No. FMCSA-2018-0136, or Docket No. FMCSA-2018-0137 using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/>, insert the docket number, FMCSA-2012-0154, FMCSA-2013-0121, FMCSA-2013-0124, FMCSA-2014-0102, FMCSA-2014-0103, FMCSA-2014-0104,

FMCSA-2014-0106, FMCSA-2014-0107, FMCSA-2018-0135, FMCSA-2018-0136, or FMCSA-2018-0137 in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmsamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2012-0154, Docket No. FMCSA-2013-0121, Docket No. FMCSA-2013-0124, Docket No. FMCSA-2014-0102, Docket No. FMCSA-2014-0103, Docket No. FMCSA-2014-0104, Docket No. FMCSA-2014-0106, Docket No. FMCSA-2014-0107, Docket No. FMCSA-2018-0135, Docket No. FMCSA-2018-0136, or Docket No. FMCSA-2018-0137), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can

contact you if there are questions regarding your submission.

To submit your comment online, go to <http://www.regulations.gov/>, insert the docket number, FMCSA-2012-0154, FMCSA-2013-0121, FMCSA-2013-0124, FMCSA-2014-0102, FMCSA-2014-0103, FMCSA-2014-0104, FMCSA-2014-0106, FMCSA-2014-0107, FMCSA-2018-0135, FMCSA-2018-0136, or FMCSA-2018-0137 in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to <http://www.regulations.gov/>. Insert the docket number, FMCSA-2012-0154, FMCSA-2013-0121, FMCSA-2013-0124, FMCSA-2014-0102, FMCSA-2014-0103, FMCSA-2014-0104, FMCSA-2014-0106, FMCSA-2014-0107, FMCSA-2018-0135, FMCSA-2018-0136, or FMCSA-2018-0137 in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-

14 FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding hearing found in 49 CFR 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5–1951.

This standard was adopted in 1970 and was revised in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

The 27 individuals listed in this notice have requested renewal of their exemptions from the hearing standard in § 391.41(b)(11), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

III. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b), FMCSA will take immediate steps to revoke the exemption of a driver.

IV. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315(b), each of the 27 applicants has satisfied the renewal conditions for obtaining an exemption from the hearing requirement. The 27 drivers in this notice remain in good standing with the Agency. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System and the Motor Carrier Management Information System are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency. These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each of these drivers for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315(b), the following groups of drivers received renewed exemptions in the month of March and are discussed below. As of March 3, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Kevin Beacham (MD)
Joseph Conversa (IL)
Tyjuan Davis (VA)
Scott Friede (NE)
Kimothy McLeod (GA)
Dustin Miller (MI)
Brandon Veronie (LA)
Charles Whitworth (LA)
Anthony Witcher (MI)

The drivers were included in docket number FMCSA–2012–0154, FMCSA–2014–0103, FMCSA–2014–0106, FMCSA–2018–0135, or FMCSA–2018–0136. Their exemptions were applicable as of March 3, 2021, and will expire on March 3, 2023.

As of March 10, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following two individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

David Helgerson (WI) and Susan Helgerson (WI).

The drivers were included in docket number FMCSA–2013–0124. Their exemptions are applicable as of March 10, 2021, and will expire on March 10, 2023.

As of March 13, 2021, and in accordance with 49 U.S.C. 31136(e) and

31315(b), the following three individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

John Huey (AZ); Jared Katakura (HI); and Scott Putman (TX).

The drivers were included in docket number FMCSA–2014–0103 or FMCSA–2014–0107. Their exemptions are applicable as of March 13, 2021, and will expire on March 13, 2023.

As of March 19, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), Victor Morales-Contreras (TX) has satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers.

This driver was included in docket number FMCSA–2014–0106. The exemption is applicable as of March 19, 2021, and will expire on March 19, 2023.

As of March 22, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following five individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

William Britt, Jr. (TN)
Robert Hefner (SC)
Patrick Johnson (MI)
Lawrence Lam (CA)
Phillip Shook, Jr. (MS)

The drivers were included in docket number FMCSA–2018–0137. Their exemptions are applicable as of March 22, 2021, and will expire on March 22, 2023.

As of March 29, 2021, and in accordance with 49 U.S.C. 31136(e) and 31315(b), the following seven individuals have satisfied the renewal conditions for obtaining an exemption from the hearing requirement in the FMCSRs for interstate CMV drivers:

Richard Boggs (OH)
Jeremy Brandyberry (NE)
Kenneth Harris (TX)
Joseph Kelly (PA)
Timothy Laporte (NY)
Brandon Londo (TX)
Jesse Shelander (TX)

The drivers were included in docket number FMCSA–2013–0124, FMCSA–2014–0102, FMCSA–2014–0103, FMCSA–2014–0104, or FMCSA–2014–0106. Their exemptions are applicable as of March 29, 2021, and will expire on March 29, 2023.

V. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must report any crashes or accidents as defined in § 390.5; and (2)

report all citations and convictions for disqualifying offenses under 49 CFR 383 and 49 CFR 391 to FMCSA; and (3) each driver prohibited from operating a motorcoach or bus with passengers in interstate commerce. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. In addition, the exemption does not exempt the individual from meeting the applicable CDL testing requirements. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

VI. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VII. Conclusion

Based upon its evaluation of the 27 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the hearing requirement in § 391.41(b)(11). In accordance with 49 U.S.C. 31136(e) and 31315(b), each exemption will be valid for two years unless revoked earlier by FMCSA.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021-05489 Filed 3-16-21; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2021-0004]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Notice of applications for exemption; request for comments.

SUMMARY: FMCSA announces receipt of applications from nine individuals for an exemption from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) to operate a commercial motor vehicle (CMV) in interstate commerce. If

granted, the exemptions will enable these individuals to operate CMVs in interstate commerce without meeting the vision requirement in one eye.

DATES: Comments must be received on or before April 16, 2021.

ADDRESSES: You may submit comments identified by the Federal Docket Management System (FDMS) Docket No. FMCSA-2021-0004 using any of the following methods:

- *Federal eRulemaking Portal:* Go to www.regulations.gov/, insert the docket number, FMCSA-2021-0004, in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click on the "Comment" button. Follow the online instructions for submitting comments.

- *Mail:* Dockets Operations; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001.

- *Hand Delivery:* West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.

- *Fax:* (202) 493-2251.

To avoid duplication, please use only one of these four methods. See the "Public Participation" portion of the **SUPPLEMENTARY INFORMATION** section for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, (202) 366-4001, fmcamedical@dot.gov, FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64-224, Washington, DC 20590-0001. Office hours are 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Dockets Operations, (202) 366-9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (Docket No. FMCSA-2021-0004), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone

number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to www.regulations.gov/docket?D=FMCSA-2021-0004. Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, click the "Comment" button, and type your comment into the text box on the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope.

FMCSA will consider all comments and material received during the comment period.

B. Viewing Comments

To view comments go to www.regulations.gov. Insert the docket number, FMCSA-2021-0004, in the keyword box, and click "Search." Next, sort the results by "Posted (Newer-Older)," choose the first notice listed, and click "Browse Comments." If you do not have access to the internet, you may view the docket online by visiting Dockets Operations in Room W12-140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590-0001, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366-9317 or (202) 366-9826 before visiting Dockets Operations.

C. Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to www.regulations.gov, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at www.transportation.gov/privacy.

II. Background

Under 49 U.S.C. 31136(e) and 31315(b), FMCSA may grant an exemption from the FMCSRs for no longer than a 5-year period if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The statute also allows the Agency to renew

exemptions at the end of the 5-year period. FMCSA grants medical exemptions from the FMCSRs for a 2-year period to align with the maximum duration of a driver's medical certification.

The nine individuals listed in this notice have requested an exemption from the vision requirement in 49 CFR 391.41(b)(10). Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting an exemption will achieve the required level of safety mandated by statute.

The physical qualification standard for drivers regarding vision found in § 391.41(b)(10) states that a person is physically qualified to drive a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber.

On July 16, 1992, the Agency first published the criteria for the Vision Waiver Program, which listed the conditions and reporting standards that CMV drivers approved for participation would need to meet (57 FR 31458). The current Vision Exemption Program was established in 1998, following the enactment of amendments to the statutes governing exemptions made by § 4007 of the Transportation Equity Act for the 21st Century (TEA-21), Public Law 105-178, 112 Stat. 107, 401 (June 9, 1998). Vision exemptions are considered under the procedures established in 49 CFR part 381 subpart C, on a case-by-case basis upon application by CMV drivers who do not meet the vision standards of § 391.41(b)(10).

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely in intrastate commerce with the vision deficiency for the past three years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at www.regulations.gov/docket?D=FMCSA-1998-3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's former waiver study program clearly demonstrated the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively.¹ The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., "Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process," Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used three consecutive years of data, comparing the experiences of drivers in the first two years with their experiences in the final year.

Qualifications of Applicants

Jack A. Hemelgarn

Mr. Hemelgarn, 68, has a retinal detachment in his left eye due to a traumatic incident in 2008. The visual acuity in his right eye is 20/20, and in his left eye, 20/70. Following an examination in 2020, his optometrist stated, "In my opinion, from a vision stand point, he can safely perform the

driving tasks required to operate a commercial vehicle." Mr. Hemelgarn reported that he has driven buses for 28 years, accumulating 1.12 million miles. He holds an operator's license from Minnesota. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Joshua D. Kelley

Mr. Kelley, 35, has had a cataract in his left eye since childhood. The visual acuity in his right eye is 20/20, and in his left eye, 20/400. Following an examination in 2020, his ophthalmologist stated, "It is my medical opinion that Joshua Kelley Sr. has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Kelley reported that he has driven buses for 7 years, accumulating 437,500 miles. He holds a Class A CDL from Texas. His driving record for the last 3 years shows one crash, which he was not cited for, and no convictions for moving violations in a CMV.

Richard T. Kessen

Mr. Kessen, 63, has had optic nerve coloboma in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2020, his optometrist stated, "Overall, his vision appears stable at this time in both eyes and he has demonstrated that he has an adequate vision to perform the driving task required to operate a commercial vehicle." Mr. Kessen reported that he has driven straight trucks for 40 years, accumulating 540,000 miles and tractor-trailer combinations for 40 years, accumulating 4 million miles. He holds a Class A CDL from Illinois. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Charles W. McClister III

Mr. McClister, 46, has had aphakia in his left eye since birth. The visual acuity in his right eye is 20/20, and in his left eye, counting fingers. Following an examination in 2020, his optometrist stated, "In my opinion, I believe Mr. McClister does have sufficient vision to perform the tasks to operate a commercial vehicle." Mr. McClister reported that he has driven straight trucks for 3 years, accumulating 420,000 miles. He holds an operator's license from Pennsylvania. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

¹ A thorough discussion of this issue may be found in a FHWA final rule published in the **Federal Register** on March 26, 1996 and available on the internet at <https://www.govinfo.gov/content/pkg/FR-1996-03-26/pdf/96-7226.pdf>.

Craig Neblett

Mr. Neblett, 58, has had amblyopia in his right eye since 1977. The visual acuity in his right eye is hand motion, and in his left eye, 20/20. Following an examination in 2020, his optometrist stated, "In my medical opinion, Craig Neblett has stable and sufficient vision OS and his condition OD (longstanding since 1977, 43 years) should not adversely affect his ability to operate a commercial motor vehicle safely due to 43 years of experience with only left eye vision." Mr. Neblett reported that he has driven straight trucks for 20 years, accumulating 80,000 miles. He holds a Class B CDL from Missouri. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

John G. Shaver

Mr. Shaver, 53, has had amblyopia in his left eye since birth. The visual acuity in his right eye is 20/40, and in his left eye, 20/80. Following an examination in 2020, his optometrist stated, "In my medical opinion, John Shaver, has sufficient vision to perform the driving tasks required to operate a commercial vehicle." Mr. Shaver reported that he has driven tractor-trailer combinations for 26 years, accumulating 3,380,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes but one conviction for speeding in a CMV; he exceeded the speed limit by 10 mph.

Robert L. Strange, Jr.

Mr. Strange, 52, has a retinal detachment in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/20, and in his left eye, hand motion. Following an examination in 2020, his optometrist stated, "It is my professional opinion that with 20/20 vision in his right eye and with both eyes operating together as well as a normal visual field as documented by automated perimetry, it should be safe for Mr. Strange to continue to operate a commercial vehicle safely." Mr. Strange reported that he has driven straight trucks for 15 years, accumulating 300,000 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Scott E. Wertman

Mr. Wertman, 60, has had optic neuropathy in his right eye since 2001. The visual acuity in his right eye is 20/100, and in his left eye, 20/20. Following an examination in 2020, his ophthalmologist stated, "Patient has

demonstrated the ability to operate a commercial vehicle with the previous 2 decades, his examination is essentially unchanged [sic], and I do not see any alteration in his visual abilities at this time from his success in the past." Mr. Wertman reported that he has driven straight trucks for 26 years, accumulating 32,500 miles. He holds a Class A CDL from North Carolina. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

Thomas L. Wiles

Mr. Wiles, 40, has a retinal detachment in his left eye due to a traumatic incident in childhood. The visual acuity in his right eye is 20/30, and in his left eye, 20/150. Following an examination in 2020, his optometrist stated, "In my professional opinion, this patient has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle." Mr. Wiles reported that he has driven straight trucks for 12 years, accumulating 819,000 miles. He holds a Class A CDL from New Jersey. His driving record for the last 3 years shows no crashes and no convictions for moving violations in a CMV.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments and material received before the close of business on the closing date indicated under the **DATES** section of the notice.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2021-05491 Filed 3-16-21; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF TRANSPORTATION**National Highway Traffic Safety Administration**

[Docket No. NHTSA-2019-0117; Notice 2]

Notice of Denial of Petition for Decision That Nonconforming Model Year 2017–2019 Mercedes-Benz Maybach S600 Pullman Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition for determination of import eligibility.

SUMMARY: G&K Automotive Conversion, Inc. (G&K or Petitioner) has petitioned

NHTSA for a decision that model year 2017–2019 Mercedes-Benz Maybach S600 Pullman vehicles that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards (FMVSS) are eligible for importation into the United States. In its petition, G&K claims that these vehicles are eligible for import because they are substantially similar to and of the same model year as vehicles originally manufactured for import into and certified for sale in the United States, and they are capable of being readily altered to conform to all applicable FMVSS. This document announces the denial of G&K's petition.

FOR FURTHER INFORMATION CONTACT: Robert Mazurowski, Office of Vehicle Safety Compliance, NHTSA (202–366–1012).

SUPPLEMENTARY INFORMATION:**I. Background**

A motor vehicle that was not originally manufactured to conform to all applicable FMVSS may be eligible for import into the United States if NHTSA determines that the motor vehicle is (1) substantially similar to a motor vehicle originally manufactured for importation into and certified for sale in the United States, (2) of the same model year as the model of the motor vehicle to which it is being compared, and (3) capable of being readily altered to conform to all applicable FMVSS. See 49 U.S.C. 30141(a)(1)(A).¹ If NHTSA determines that a nonconforming vehicle is import eligible, any such nonconforming vehicle imported into the United States must be modified into conformance and certified as conforming by a registered importer before it is sold or otherwise released from the custody of the registered importer. 49 U.S.C. 30146(a)(1); 49 CFR 592.6.²

Petitions for import eligibility decisions may be submitted by either manufacturers or registered importers and must comply with the requirements set forth in 49 CFR 593.6. A petition based on the existence of a substantially similar conforming vehicle manufactured for import and certified for sale in the United States must include, among other things, "[d]ata, views and arguments demonstrating that the vehicle [which is the subject of the petition] is substantially similar to the

¹ This provision was codified at 15 U.S.C. 1397(c)(3)(A) prior to the 1994 recodification of the transportation laws.

² A registered importer is an importer that has registered with NHTSA under 49 CFR part 592 and is therefore authorized to modify and then certify imported vehicles as compliant with all applicable FMVSS.

vehicle identified by the petitioner” as a comparison vehicle. Id. § 593(a)(4). The petition also must include, with respect to each of the FMVSS applicable to the comparison vehicle, “data, views, and arguments demonstrating that the vehicle [which is the subject of the petition] either was originally manufactured to conform to such standard, or is capable of being readily modified to conform to such standard.” Id. § 597.6(a)(4).

As specified in 49 CFR 593.7, NHTSA publishes notice of each petition that it receives in the **Federal Register** and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides whether the vehicle is eligible for importation based on the petition, its review of any comments received, and the agency’s own analysis. NHTSA will grant a petition for import eligibility if it “determines that the petition clearly demonstrates that the vehicle model is eligible for importation” and will deny the petition if it “determines that the petition does not clearly demonstrate that the vehicle model is eligible for importation.” 49 CFR 593.7(e)–(f). NHTSA then publishes its decision and the reasons for it in the **Federal Register**. Id.

II. Summary of Petition

G&K, a registered importer, located in Santa Ana, California has petitioned NHTSA to decide whether nonconforming model year 2017–2019 Mercedes-Benz Maybach S600 Pullman passenger cars (the Subject Vehicles) are eligible for importation into the United States. In its petition, G&K contends the Subject Vehicles are substantially similar to model year 2017–2019 Mercedes-Benz Maybach S600 passenger cars (the Comparison Vehicles) sold in the United States and certified by their manufacturer as conforming to all applicable FMVSS. G&K’s petition states that the Subject Vehicles are “manufactured by Mercedes Benz in Germany for the European market” and that “Mercedes Benz has also used its licensed manufacturer Brabus for additional features that are added to the vehicles.”³ The petition does not identify these additional features, but states that the gross vehicle weight rating (GVWR) of the Subject Vehicles is

7,946 pounds and that the GVWR of the Comparison Vehicles is 6,206 pounds.

Although G&K’s petition states that it is requesting an import eligibility decision for model years 2017, 2018, and 2019 of the Subject Vehicles, G&K’s petition is based solely on its inspection of a model year 2018 Subject Vehicle. The petition makes no reference to any inspection or analysis involving a model year 2017 or model year 2019 Subject Vehicle and no representation regarding the similarity of or differences between model year 2017, 2018, and 2019 Subject Vehicles. The petition also fails to state whether the comparison performed by G&K involved a model year 2017, 2018, or 2019 Comparison Vehicle.

G&K’s petition nonetheless states that its analysis of the Subject Vehicles and the Comparison Vehicles compels the conclusion that the vehicles are substantially similar. Specifically, Petitioner states that the Subject Vehicles, as originally manufactured, conform to: FMVSS Nos. 102, *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect*; 103, *Windshield Defrosting and Defogging Systems*; 104, *Windshield Wiping and Washing Systems*; 106, *Brake Hoses*; 113, *Hood Latch System*; 114, *Theft Protection and Rollaway Prevention*; 116, *Motor Vehicle Brake Fluids*; 118, *Power-Operated Window, Partition, and Roof Panel System*; 124, *Accelerator Control Systems*; 126, *Electronic Stability Control Systems*; 135, *Light Vehicle Brake Systems*; 138, *Tire Pressure Monitoring Systems*; 139, *New Pneumatic Radial Tires*; 201, *Occupant Protection in Interior Impact*; 202, *Head Restraints; Applicable at the Manufacturers Option until September 1, 2009*; 204, *Steering Control Rearward Displacement*; 205, *Glazing Materials*; 206, *Door Locks and Door Retention Components*; 207, *Seating Systems*; 208, *Occupant Crash Protection*; 209, *Seat Belt Assemblies*; 210, *Seat Belt Assembly Anchorages*; 212, *Windshield Mounting*; 214, *Side Impact Protection*; 216, *Roof Crush Resistance; Applicable unless a Vehicle is Certified to § 571.216a*; 219, *Windshield Zone Intrusion*; 225, *Child Restraint Anchorage Systems*; and 302, *Flammability of Interior Materials*. With respect to many of these standards, G&K states that the Subject Vehicles utilize the same components as the Comparison Vehicles and claims, without any supporting analysis, that the Subject Vehicles are therefore compliant. With respect to FMVSS No. 126 (Electronic Stability Control), G&K states only that the Subject Vehicles

“come with an Electronic Stability Control system that complies with this standard.” With respect to FMVSS No. 214 (Side Impact Protection), G&K acknowledges differences between the Subject Vehicles and Comparison Vehicles, but claims that “both [vehicles] meet the requirements of this standard.”

G&K’s petition further claims that the Subject Vehicles are capable of being readily altered to meet the following FMVSS, in the manner indicated: FMVSS No. 101, *Controls and Displays*—by programming of the speedometer for units of miles per hour; FMVSS No. 108, *Lamps, Reflective Devices and Associated Equipment*—by the replacement of headlamps and front and rear side marker assemblies; FMVSS No. 110, *Tire Selection and Rims*—by the addition of tire information placard; FMVSS No. 111, *Rear Mirrors*—by the inscription of the required warning statement on the face of the passenger mirror; FMVSS No. 301, *Fuel System Integrity*—by the inspection and if necessary replacement of original fuel system components in the Subject Vehicles with components from the Comparison Vehicles; and FMVSS No. 401, *Interior Trunk Release*—by the addition of a trunk release. With respect to the fuel system integrity requirements of FMVSS No. 301, G&K’s petition does not explain how it will determine what fuel system components need to be replaced or how it will determine, following the replacement of those unidentified components, whether the vehicles comply with the requirements of that standard.

G&K provides no data or technical analysis supporting any of its claims regarding the as-built compliance of the Subject Vehicles with the FMVSS it identified or their ability to be readily modified into compliance with any of the other FMVSS. Instead, it states that “[a]ll statements concerning compliance of the [Subject Vehicles] with applicable FMVSS, or modifications required to enable the [Subject Vehicles] to comply with applicable FMVSS, are the result of a detailed inspection and investigation of available literature comparing the [Subject Vehicles] with the [Comparison Vehicles].” No such literature was identified in or included with G&K’s petition.

III. Public Comments

A Notice of Receipt of G&K’s Petition Was Published in the **Federal Register** for public comment for a period of 30 days. 84 FR 72133 (Dec. 30, 2019). No public comments were submitted in response to the Notice of Receipt.

³ The agency interprets petitioner’s references to “Mercedes Benz” as a reference to Mercedes-Benz AG, the German motor vehicle manufacturer with headquarters in Stuttgart, Germany, and its reference to “Brabus” as a reference to BRABUS GmbH, an automotive aftermarket company in Bottrop, Germany.

IV. NHTSA's Analysis

NHTSA's review of information submitted by the Petitioner, publicly available information, data obtained from the manufacturer and images of the Subject Vehicle and Comparison Vehicle indicates that the Subject and Comparison Vehicles are not substantially similar. The Petitioner has not met its burden of demonstrating that the Subject Vehicles are eligible for import because they are substantially similar to, and of the same model year, as vehicles originally manufactured for import into and certified for sale in the United States, and therefore capable of being readily altered to conform to all applicable FMVSS.

Although both the Comparison and Subject vehicles appear to share a common platform, the Comparison Vehicle offered by the petitioner is a traditional passenger car while the Subject Vehicle is a limousine. The Subject Vehicle has a partition between the driver and passenger compartments, forward and rear-facing seating in the rear passenger compartment, and a different engine and suspension system. The Subject Vehicles and Comparison vehicles differ in overall length and wheelbase by 41 inches, have a roof height difference of 4 inches and the Subject Vehicle is 1,700 pounds heavier than the Comparison Vehicle.

As part of its analysis, NHTSA sought input from the manufacturer of both the Subject Vehicles and the Comparison Vehicles. In response to the agency's question of whether the Subject Vehicles and Comparison vehicles were, or were not, substantially similar, the manufacturer responded by comparing the Subject Vehicle to the 2019 model year Maybach S650:

It is Mercedes-Benz's position that the S600 Pullman cannot be considered substantially similar to the Maybach S650, primarily because of mass (2820 kg vs 3600 kg), which translates to differences in crash tests, braking distance, and tire loads.⁴

While the response did not directly address the similarity or differences between the Subject Vehicle and Maybach S600, we note that that the difference in size and mass between the

Subject and Comparison Vehicle is significant and the information provided by the manufacturer relating to crash test, braking and tire loading performance still apply.

NHTSA also finds that G&K's petition fails to establish that it involves a comparison of vehicles of the same model year. Although the petition states that G&K inspected a model year 2018 Subject Vehicle, it does not identify the model year of any Comparison Vehicle with which it was compared. The petition also fails to include any reference to a comparison involving a model year 2017 or model year 2019 Subject Vehicle with any specific model year Comparison Vehicle.

NHTSA further finds that G&K's petition fails to establish that the Subject Vehicles are capable of being readily altered to conform to all applicable FMVSS. As previously noted, the petition relies heavily on assertions that the as-built Subject Vehicles conform with many of the applicable FMVSS because they utilize the same components as the certified Comparison Vehicles. These assertions are not persuasive because many of the standards at issue are vehicle standards (as opposed to equipment standards). The considerable differences in size and configuration between the Subject and Configuration vehicles is contrary to any assumption that components or design features found on the smaller vehicle will deliver acceptable performance on a larger one. The fact that one vehicle includes some common components with a different, compliant vehicle does not necessarily support the conclusion that the first vehicle is also compliant. With a longer wheelbase, greater mass, and different suspension, the crash test and other dynamics of the Subject Vehicles will necessarily be different than those of the Comparison Vehicles. As the manufacturer observed, the different mass of the two vehicles "translates to differences in crash tests, braking distance, and tire loads." The manufacturer also confirmed that "there is no documentation existing within MB-AG to indicate that the [Subject Vehicles] were tested for conformance to the FMVSS." See Mercedes-Benz Pullman Response, Docket ID: NHTSA-2019-0117 (available at www.regulations.gov).

Based on the differences between the Subject Vehicles and the Comparison Vehicles, NHTSA takes issue with some of the factual assertions in G&K's petition. For example, G&K states that the Subject Vehicle "comes equipped with a body/roof and support structure and components identical to those found in the [Comparison Vehicle] and

therefore meets the requirements of FMVSS 216" (Roof Crush Protection). Given the different dimensions (including length, wheel base, and roof height) of the two vehicles, the statement regarding identical body and roof components cannot be accurate. Likewise, given the difference in mass (1,700 pounds), there is no basis for assuming that that the heavier Subject Vehicle complies in the same manner as the lighter Comparison Vehicle.

As noted above, G&K also fails to explain, with respect to the fuel system integrity requirements of FMVSS No. 301, how it could determine what components need to be replaced and whether those proposed components will ensure compliance with that standard. G&K also fails to acknowledge that the different configuration of the Subject Vehicles makes them subject to additional standards beyond those applicable to the Comparable Vehicles, including the FMVSS No. 118 requirements applicable to electronic partitions between the driver and passenger compartments.

V. NHTSA's Decision

Petitioner has failed to demonstrate that the Subject Vehicles are substantially similar to the Comparison Vehicles, failed to demonstrate that its comparison involved vehicles of the same model year, and failed to demonstrate that the Subject Vehicles are capable of being readily altered to conform to all applicable FMVSS. In addition, based on available information, the Subject Vehicles do not meet the statutory requirements. The petition therefore is denied. Pursuant to 49 CFR 593.7(e), NHTSA will not consider a new petition covering the models that are the subject of this decision until at least 3 months from the date of this notice of denial.

(Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.)

Jeffrey Mark Giuseppe,
Associate Administrator for Enforcement.

[FR Doc. 2021-05440 Filed 3-16-21; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Credit Risk Retention

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

⁴ Introduced for model year 2019, the Mercedes-Benz Maybach S650 is a successor vehicle to the Mercedes-Benz Maybach S600. The dimensions of the Maybach S650, including length, wheel base, roof height, and weight are nearly identical to the Maybach S600, and the comments from the manufacturer therefore apply equally to any comparison between the Subject Vehicles and the Comparison Vehicles. A copy of the correspondence between NHTSA and Mercedes-Benz USA is included in the public docket. See Mercedes-Benz Pullman Response, Docket ID: NHTSA-2019-0117 (available at www.regulations.gov).

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of its information collection titled, "Credit Risk Retention."

DATES: You should submit written comments by May 17, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office,

Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0249, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

Instructions: You must include "OCC" as the agency name and "1557-0249" in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection¹ by the following method:

- *Viewing Comments Electronically:* Go to www.reginfo.gov. Click on the "Information Collection Review" tab. Underneath the "Currently under

Review" section heading, from the drop-down menu select "Department of Treasury" and then click "submit." This information collection can be located by searching by OMB control number "1557-0249" or "Credit Risk Retention." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, OCC Clearance Officer, (202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "[C]ollection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed collection of information set forth in this document.

Title: Credit Risk Retention.

OMB Control No.: 1557-0249.

Affected Public: Business or other for-profit.

Type of Review: Regular review.

Abstract: This information collection request relates to 12 CFR part 43, which implemented section 941(b) of the Dodd-Frank Act.² Section 941(b) of the Dodd-Frank Act required the OCC, Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), Securities and Exchange Commission (SEC), and, in the case of the securitization of any residential mortgage asset, the Federal Housing Finance Agency (FHFA), and the Department of Housing and Urban Development (HUD) (collectively, the

agencies) to issue rules that, subject to certain exemptions: Require a securitizer to retain not less than 5% of the credit risk of any asset that the securitizer, through the issuance of an asset-backed security, transfers, sells, or conveys to a third party; and prohibit a securitizer from directly or indirectly hedging or otherwise transferring the credit risk that the securitizer is required to retain under the statute and implementing regulations.

Part 43 sets forth permissible forms of risk retention for securitizations that involve the issuance of asset-backed securities. Section 15G of the Exchange Act also exempts certain types of securitization transactions from these risk retention requirements and authorizes the agencies to exempt or establish a lower risk retention requirement for other types of securitization transactions. Section 15G also states that the agencies must permit a securitizer to retain less than five percent of the credit risk of commercial mortgages, commercial loans, and automobile loans that are transferred, sold, or conveyed through the issuance of ABS by the securitizer if the loans meet underwriting standards established by the Federal banking agencies.³

Part 43 sets forth permissible forms of risk retention for securitizations that involve issuance of asset-backed securities, as well as exemptions from the risk retention requirements, and contains requirements subject to the PRA.

Section 43.4 sets forth the conditions that must be met by sponsors electing to use the standard risk retention option, which may consist of an eligible vertical interest or an eligible horizontal residual interest, or any combination thereof. Sections 43.4(c)(1) and 43.4(c)(2) specify the disclosures required with respect to eligible horizontal residual interests and eligible vertical interests, respectively.

A sponsor retaining any eligible horizontal residual interest (or funding a horizontal cash reserve account) is required to disclose: The fair value (or a range of fair values and the method used to determine such range) of the eligible horizontal residual interest that the sponsor expects to retain at the closing of the securitization transaction (§ 43.4(c)(1)(i)(A)); the material terms of the eligible horizontal residual interest (§ 43.4(c)(1)(i)(B)); the methodology used to calculate the fair value (or range of fair values) of all classes of ABS interests (§ 43.4(c)(1)(i)(C)); the key inputs and assumptions used in

¹ Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

² Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. 111-203, 124 Stat. 1376 (July 21, 2010)).

³ 15 U.S.C. 78o-11(c)(1)(B)(ii) and (2).

measuring the estimated total fair value (or range of fair values) of all classes of ABS interests (§ 43.4(c)(1)(i)(D)); the reference data set or other historical information used to develop the key inputs and assumptions (§ 43.4(c)(1)(i)(G)); the fair value of the eligible horizontal residual interest retained by the sponsor (§ 43.4(c)(1)(ii)(A)); the fair value of the eligible horizontal residual interest required to be retained by the sponsor (§ 43.4(c)(1)(ii)(B)); a description of any material differences between the methodology used in calculating the fair value disclosed prior to sale and the methodology used to calculate the fair value at the time of closing (§ 43.4(c)(1)(ii)(C)); and if the sponsor retains risk through the funding of an eligible horizontal cash reserve account, the amount placed by the sponsor in the horizontal cash reserve account at closing, the fair value of the eligible horizontal residual interest that the sponsor is required to fund through such account, and a description of such account (§ 43.4(c)(1)(iii)).

For eligible vertical interests, the sponsor is required to disclose: The form of the eligible vertical interest (§ 43.4(c)(2)(i)(A)); the percentage that the sponsor is required to retain as a vertical interest (§ 43.4(c)(2)(i)(B)); a description of the material terms of the vertical interest and the amount the sponsor expects to retain at closing (§ 43.4(c)(2)(i)(C)); and the amount of vertical interest retained by the sponsor at closing, if that amount is materially different from the amount disclosed (§ 43.4(c)(2)(ii)).

Section 43.4(d) requires a sponsor to retain the certifications and disclosures required in paragraphs (a) and (c) of this section in its records and must provide the disclosure upon request to the Commission and the sponsor's appropriate Federal banking agency, if any, until three years after all ABS interests are no longer outstanding.

Section 43.5(k) requires sponsors relying on the master trust (or revolving pool securitization) risk retention option to disclose: The material terms of the seller's interest and the percentage of the seller's interest that the sponsor expects to retain at the closing of the transaction (§ 43.5(k)(1)(i)); the amount of the seller's interest that the sponsor retained at closing, if that amount is materially different from the amount disclosed (§ 43.5(k)(1)(ii)); the material terms of any horizontal residual interests offsetting the seller's interest under § 43.5(g), § 43.5(h) and § 43.5(i) (§ 43.5(k)(1)(iii)); and the fair value of any horizontal residual interests retained by the sponsor (§ 43.5(k)(1)(iv)).

Additionally, a sponsor must retain the disclosures required in § 43.5(k)(1) in its records and must provide the disclosure upon request to the Commission and the sponsor's appropriate Federal banking agency, if any, until three years after all ABS interests are no longer outstanding (§ 43.5(k)(3)).

Section 43.6 addresses the requirements for sponsors utilizing the eligible ABCP conduit risk retention option. The requirements for the eligible ABCP conduit risk retention option include disclosure to each purchaser of ABCP and periodically to each holder of commercial paper issued by the ABCP conduit of the name and form of organization of the regulated liquidity provider that provides liquidity coverage to the eligible ABCP conduit, including a description of the material terms of such liquidity coverage, and notice of any failure to fund; and with respect to each ABS interest held by the ABCP conduit, the asset class or brief description of the underlying securitized assets, the standard industrial category code for each originator-seller that retains an interest in the securitization transaction, and a description of the percentage amount and form of interest retained by each originator-seller (§ 43.6(d)(1)). An ABCP conduit sponsor relying upon this section shall provide, upon request, to the Commission and the sponsor's appropriate Federal banking agency, if any, the information required under § 43.6(d)(1), in addition to the name and form of organization of each originator-seller that retains an interest in the securitization transaction (§ 43.6(d)(2)).

A sponsor relying on the eligible ABCP conduit risk retention option shall maintain and adhere to policies and procedures to monitor compliance by each originator-seller which is satisfying a risk retention obligation in respect to ABS interests acquired by an eligible ABCP conduit (§ 43.6(f)(2)(i)). If the ABCP conduit sponsor determines that an originator-seller is no longer in compliance, the sponsor must promptly notify the holders of the ABCP, and upon request, the Commission and the sponsor's appropriate Federal banking agency, in writing of the name and form of organization of any originator-seller that fails to retain, and the amount of ABS interests issued by an intermediate SPV of such originator-seller and held by the ABCP conduit (§ 43.6(f)(2)(ii)(A)(1)); the name and form of organization of any originator-seller that hedges, directly or indirectly through an intermediate SPV, its risk retention in violation of the rule, and the amount of ABS interests issued by an intermediate SPV of such originator-

seller and held by the ABCP conduit (§ 43.6(f)(2)(ii)(A)(2)); and any remedial actions taken by the ABCP conduit sponsor or other party with respect to such ABS interests (§ 43.6(f)(2)(ii)(A)(3)).

Section 43.7 sets forth the requirements for sponsors relying on the commercial mortgage-backed securities risk retention option, and includes disclosures of: The name and form of organization of each initial third-party purchaser (§ 43.7(b)(7)(i)); each initial third-party purchaser's experience in investing in commercial mortgage-backed securities (§ 43.7(b)(7)(ii)); other material information (§ 43.7(b)(7)(iii)); the fair value and purchase price of the eligible horizontal residual interest retained by each initial third-party purchaser, and the fair value of the eligible horizontal residual interest that the sponsor would have retained if the sponsor had relied on retaining an eligible horizontal residual interest under the standard risk retention option (§ 43.7(b)(7)(iv) and (v)); a description of the material terms of the eligible horizontal residual interest retained by each initial third-party purchaser, including the same information as is required to be disclosed by sponsors retaining horizontal interests pursuant to § 43.4 (§ 43.7(b)(7)(vi)); the material terms of the applicable transaction documents with respect to the Operating Advisor (§ 43.7(b)(7)(vii)); and representations and warranties concerning the securitized assets, a schedule of any securitized assets that are determined not to comply with such representations and warranties, and the factors used to determine that such securitized assets should be included in the pool notwithstanding that they did not comply with the representations and warranties (§ 43.7(b)(7)(viii)). A sponsor relying on the commercial mortgage-backed securities risk retention option is also required to provide in the underlying securitization transaction documents certain provisions related to the Operating Advisor (§ 43.7(b)(6)), to maintain and adhere to policies and procedures to monitor compliance by third-party purchasers with regulatory requirements (§ 43.7(c)(2)(i)), and to notify the holders of the ABS interests in the event of noncompliance by a third-party purchaser with such regulatory requirements (§ 43.7(c)(2)(ii)).

Section 43.8 requires that a sponsor relying on the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation risk retention option must disclose a description of the manner in which it has met the credit risk retention requirements (§ 43.8(c)).

Section 43.9 sets forth the requirements for sponsors relying on the open market CLO risk retention option, and includes disclosures of a complete list of, and certain information related to, every asset held by an open market CLO (§ 43.9(d)(1)), and the full legal name and form of organization of the CLO manager (§ 43.9(d)(2)).

Section 43.10 sets forth the requirements for sponsors relying on the qualified tender option bond risk retention option, and includes disclosures of the name and form of organization of the qualified tender option bond entity, a description of the form and subordination features of the retained interest in accordance with the disclosure obligations in section 43.4(c), the fair value of any portion of the retained interest that is claimed by the sponsor as an eligible horizontal residual interest, and the percentage of ABS interests issued that is represented by any portion of the retained interest that is claimed by the sponsor as an eligible vertical interest (§ 43.10(e)(1)–(4)). In addition, to the extent any portion of the retained interest claimed by the sponsor is a municipal security held outside of the qualified tender option bond entity, the sponsor must disclose the name and form of organization of the qualified tender option bond entity, the identity of the issuer of the municipal securities, the face value of the municipal securities deposited into the qualified tender option bond entity, and the face value of the municipal securities retained outside of the qualified tender option bond entity by the sponsor or its majority-owned affiliates (§ 43.10(e)(5)).

Section 43.11 sets forth the conditions that apply when the sponsor of a securitization allocates to originators of securitized assets a portion of the credit risk the sponsor is required to retain, including disclosure of the name and form of organization of any originator that acquires and retains an interest in the transaction, a description of the form, amount and nature of such interest, and the method of payment for such interest (§ 43.11(a)(2)). A sponsor relying on this section is required to maintain and adhere to policies and procedures that are reasonably designed to monitor originator compliance with retention amount and hedging, transferring and pledging requirements (§ 43.11(b)(2)(i)), and to promptly notify the holders of the ABS interests in the transaction in the event of originator non-compliance with such regulatory requirements (§ 43.11(b)(2)(ii)).

Sections 43.13 and 43.19(g) provide exemptions from the risk retention requirements for qualified residential

mortgages and qualifying 3-to-4 unit residential mortgage loans that meet certain specified criteria, including that the depositor with respect to the securitization transaction certify that it has evaluated the effectiveness of its internal supervisory controls and concluded that the controls are effective (§§ 43.13(b)(4)(i) and 43.19(g)(2)), and that the sponsor provide a copy of the certification to potential investors prior to sale of asset-backed securities in the issuing entity (§§ 43.13(b)(4)(iii) and 43.19(g)(2)). In addition, §§ 43.13(c)(3) and 43.19(g)(3) provide that a sponsor that has relied upon the exemptions will not lose the exemptions if, after closing of the transaction, it is determined that one or more of the residential mortgage loans does not meet all of the criteria; provided that the depositor complies with certain specified requirements, including prompt notice to the holders of the asset-backed securities of any loan that is required to be repurchased by the sponsor, the amount of such repurchased loan, and the cause for such repurchase.

Section 43.15 provides exemptions from the risk retention requirements for qualifying commercial loans that meet the criteria specified in § 43.16, qualifying CRE loans that meet the criteria specified in § 43.17, and qualifying automobile loans that meet the criteria specified in § 43.18. Section 43.15 also requires the sponsor to disclose a description of the manner in which the sponsor determined the aggregate risk retention requirement for the securitization transaction after including qualifying commercial loans, qualifying CRE loans, or qualifying automobile loans with 0 percent risk retention (§ 43.15(a)(4)). In addition, the sponsor is required to disclose descriptions of the qualifying commercial loans, qualifying CRE loans, and qualifying automobile loans (“qualifying assets”), and descriptions of the assets that are not qualifying assets, and the material differences between the group of qualifying assets and the group of assets that are not qualifying assets with respect to the composition of each group’s loan balances, loan terms, interest rates, borrower credit information, and characteristics of any loan collateral (§ 43.15(b)(3)). Additionally, a sponsor must retain the disclosures required in §§ 43.15(a) and (b) in its records and must provide the disclosure upon request to the Commission and the sponsor’s appropriate Federal banking agency, if any, until three years after all ABS interests are no longer outstanding (§ 43.15(d)).

Sections 43.16, 43.17 and 43.18 each require that: The depositor of the asset-backed security certify that it has evaluated the effectiveness of its internal supervisory controls and concluded that its internal supervisory controls are effective (§§ 43.16(a)(8)(i), 43.17(a)(10)(i), and 43.18(a)(8)(i)); the sponsor is required to provide a copy of the certification to potential investors prior to the sale of asset-backed securities in the issuing entity (§§ 43.16(a)(8)(iii), 43.17(a)(10)(iii), and 43.18(a)(8)(iii)); and the sponsor must promptly notify the holders of the asset-backed securities of any loan included in the transaction that is required to be cured or repurchased by the sponsor, including the principal amount of such loan and the cause for such cure or repurchase (§§ 43.16(b)(3), 43.17(b)(3), and 43.18(b)(3)). Additionally, a sponsor must retain the disclosures required in §§ 43.16(a)(8), 43.17(a)(10) and 43.18(a)(8) in its records and must provide the disclosure upon request to the Commission and the sponsor’s appropriate Federal banking agency, if any, until three years after all ABS interests are no longer outstanding (§ 43.15(d)).

Estimated Number of Respondents: 35 sponsors; 182 annual offerings per year.

Total Estimated Annual Burden: 2,799 hours.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC’s estimate of the information collection burden;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021–05526 Filed 3–16–21; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Registration of Mortgage Loan Originators

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and respondents are not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled, "Registration of Mortgage Loan Originators."

DATES: You should submit written comments by: May 17, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible.

You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office,

Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0243, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

- *Fax:* (571) 465-4326.

Instructions: You must include "OCC" as the agency name and "1557-0243" in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection¹ by the following method:

- *Viewing Comments Electronically:* Go to www.reginfo.gov. Click on the "Information Collection Review" tab. Underneath the "Currently under Review" section heading, from the drop-down menu select "Department of Treasury" and then click "submit." This information collection can be located by searching by OMB control number "1557-0243" or "Registration of Mortgage Loan Originators." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, OCC Clearance Officer, (202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed renewal of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the proposed renewal of information set forth in this document.

Title: Registration of Mortgage Loan Originators.

OMB Control No.: 1557-0243.

Description: The Secure and Fair Enforcement for Mortgage Licensing Act (the S.A.F.E. Act or Act)² requires an

employee of a Federally-regulated bank, savings association, credit union, or farm credit institution and their subsidiaries (collectively, institutions) who engages in the business of a residential mortgage loan originator (MLO) and does not qualify for the *de minimis* exception to register with the Nationwide Mortgage Licensing System and Registry (Registry) and obtain a unique identifier. Further, the S.A.F.E. Act provides that institutions must require their employees who act as MLOs to comply with the Act's registration requirements and obtain a unique identifier. Institutions must also adopt and follow written policies and procedures to ensure compliance with these requirements.

Among other things, the Registry is intended to aggregate and improve the flow of information to and between regulators; provide increased accountability and tracking of mortgage loan originators; enhance consumer protections; reduce fraud in the residential mortgage loan origination process; and provide consumers with easily accessible information at no charge regarding the employment history of, and the publicly adjudicated disciplinary and enforcement actions against, MLOs.

Along with the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the National Credit Union Administration, and the Farm Credit Administration, the OCC issued a final rule implementing the S.A.F.E. Act.³ The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Public Law 111-203, later provided for the transfer of this rule to the Consumer Financial Protection Bureau (CFPB), and the CFPB republished this rule as 12 CFR part 1007.⁴ However, the OCC retains enforcement authority for national banks, Federal savings associations and Federal branches and agencies of foreign banks with total assets of \$10 billion or less.⁵

MLO Reporting Requirements

Except in situations where the *de minimis* exception applies, 12 CFR 1007.103 requires an employee of an institution who acts as an MLO to register with the Registry, obtain a unique identifier, and maintain and update such registration. This section also requires institutions to require their

¹ 1501-1517, 122 Stat. 2654, 2810-2824 (July 30, 2008), codified at 12 U.S.C. 5101-5116.

³ 75 FR 44656 (July 28, 2010), as corrected in 75 FR 51623 (Aug. 23, 2010).

⁴ 76 FR 78487 (Dec. 19, 2011).

⁵ See section 1025 of the Dodd-Frank Act, codified at 12 U.S.C. 5515.

¹ Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

² The S.A.F.E. Act was enacted as part of the Housing and Economic Recovery Act of 2008, Public Law 110-289, Division A, Title V, sections

MLO employees to comply with these requirements. Section 1007.103(d) sets forth the categories of information that an institution must require each MLO employee to submit to the Registry or submit on the employee's behalf. This section also requires each MLO employee to submit to the Registry an attestation as to the correctness of the information submitted and an authorization for the Registry and the employing institution to obtain certain additional information related to the employee.

MLO Disclosure Requirement

Twelve CFR 1007.105(a) requires institutions to make the unique identifier(s) of its registered MLOs available to consumers in a manner and method practicable to the institution. Section 1007(b) requires MLOs to provide their unique identifier to a consumer upon request, before acting as an MLO, and through the originator's initial written communication with a consumer, if any, whether on paper or electronically.

Financial Institution Reporting Requirements

Section 1007.103(e) specifies the institution-related and employee information an institution must submit to the Registry in connection with the initial registration of one or more MLOs and annually thereafter. The institution also must update this information within 30 days of the date that this information becomes inaccurate. Employees of the institution who submit information to the Registry on behalf of the institution must verify their identity and attest that they have the authority to enter data on behalf of the institution, that the information submitted is correct, and that the covered financial institution will keep the required information current and will file accurate supplementary information on a timely basis.

Financial Institution Disclosure Requirements

Section 1007.105(a) requires the institution to make the unique identifiers of its MLO employees available to consumers in a manner and method practicable to the institution.

Financial Institution Recordkeeping Requirements

Section 1007.104 requires that an institution that employs one or more MLOs to adopt and follow written policies and procedures to, at a minimum, address certain specified areas related to MLO registration. These policies must be appropriate to the

nature, size and complexity of the institution's mortgage lending activities.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals; Businesses or other for-profit.

Estimated Number of Respondents: 85,353.

Estimated Total Annual Burden: 51,384 hours.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021-05524 Filed 3-16-21; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; International Regulation—Part 28

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA). In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently

valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection titled "International Regulation—Part 28."

DATES: Comments must be received by May 17, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0102, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.
- *Fax:* (571) 465-4326.

Instructions: You must include "OCC" as the agency name and "1557-0102" in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection¹ by the following method:

- **Viewing Comments Electronically:** Go to www.reginfo.gov. Click on the "Information Collection Review" tab. Underneath the "Currently under Review" section heading, from the drop-down menu select "Department of Treasury" and then click "submit." This information collection can be located by searching by OMB control number "1557-0102" or "International Regulation—Part 28." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

¹ Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

• For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT:

Shaquita Merritt, OCC Clearance Officer, (202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each renewal of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: International Regulation—Part 28.

OMB Control No.: 1557-0102.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection requirements. The OCC requests only that OMB extend its approval of the information collection.

12 CFR 28.3 Filing Requirements for Foreign Operations of a National Bank—Notice Requirement

A national bank shall notify the OCC when it (1) files an application, notice, or report with the Board of Governors of the Federal Reserve System (FRB) to establish or open a foreign branch; or acquire or divest of an interest in, or close, an Edge corporation, Agreement corporation, foreign bank, or other foreign organization; or (2) opens a foreign branch, and no application or notice is required by the FRB for such transaction.

The OCC also has required an application pursuant to § 28.3(c) from a national bank seeking to join a foreign exchange, clearinghouse, or similar type of organization. In lieu of a notice, the OCC may accept a copy of an application, notice, or report submitted to another Federal agency that covers the proposed action and contains

substantially the same information required by the OCC. A national bank shall furnish the OCC with any additional information the OCC may require in connection with the national bank's foreign operations.

12 CFR 28.14(c) Limitations Based Upon Capital of a Foreign Bank—Aggregation

A foreign bank shall aggregate business transacted by all Federal branches and agencies with the business transacted by all state branches and agencies controlled by the foreign bank in determining its compliance with limitations based upon the capital of the foreign bank. A foreign bank shall designate one Federal branch or agency office in the United States to maintain consolidated information so that the OCC can monitor compliance.

12 CFR 28.15(d), (d)(1), (d)(2), and (f) Capital Equivalency Deposits

A foreign bank should require its depository bank to segregate its capital equivalency deposits (CED) on the depository bank's books and records. The instruments making up the CED that are placed in safekeeping at a depository bank to satisfy a foreign bank's CED requirement must be maintained pursuant to an agreement prescribed by the OCC that shall be a written agreement entered into with the OCC. Each Federal branch or agency shall maintain a capital equivalency account and keep records of the amount of liabilities requiring capital equivalency coverage in a manner and form prescribed by the OCC. A foreign bank's CED may not be reduced in value below the minimum required for that branch or agency without the prior approval of the OCC, but in no event may the value fall below the statutory minimum.

12 CFR 28.16(c) Deposit-Taking by an Uninsured Federal Branch—Application for an Exemption

A foreign bank may apply to the OCC for an exemption to permit an uninsured Federal branch to accept or maintain deposit accounts that are not listed in § 28.16(b). The request should describe the types, sources, and estimated amount of such deposits and explain why the OCC should grant an exemption, and how the exemption maintains and furthers the policies described in § 28.16(a).

12 CFR 28.16(d) Deposit-Taking by an Uninsured Federal Branch—Aggregation of Deposits

A foreign bank that has more than one Federal branch in the same state may

aggregate deposits in all of its Federal branches in that state, but exclude deposits of other branches, agencies, or wholly owned subsidiaries of the bank. The Federal branch shall compute the average amount by using the sum of deposits as of the close of business of the last 30 calendar days ending with, and including, the last day of the calendar quarter, divided by 30. The Federal branch shall maintain records of the calculation until its next examination by the OCC.

12 CFR 28.18(c)(1) Recordkeeping and Reporting—Maintenance of Accounts, Books, and Records

Each Federal branch or agency shall maintain a set of accounts and records reflecting its transactions that are separate from those of the foreign bank and any other branch or agency. The Federal branch or agency shall keep a set of accounts and records in English sufficient to permit the OCC to examine the condition of the Federal branch or agency and its compliance with applicable laws and regulations.

12 CFR 28.20(a)(1) Maintenance of Assets—General Rule

The OCC may require a foreign bank to hold certain assets in the state in which its Federal branch or agency is located.

12 CFR 28.22(e) Voluntary Liquidation—Reports of Examination

The Federal branch or agency shall send the OCC certification that all of its Reports of Examination have been destroyed or return its Reports of Examination to the OCC.

Type of Review: Regular.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 52.

Estimated Total Annual Burden: 2,294.

Frequency of Response: On occasion.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including

through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021-05438 Filed 3-16-21; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Libor Self-Assessment

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a new information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning renewal of a collection of information titled, "Libor Self-Assessment."

DATES: Comments must be submitted on or before May 17, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email:* prainfo@occ.treas.gov.
- *Mail:* Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0349, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E-218, Washington, DC 20219.
- *Fax:* (571) 465-4326.

Instructions: You must include "OCC" as the agency name and "1557-0349" in your comment. In general, the OCC will publish comments on

www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection¹ by the following method:

- **Viewing Comments Electronically:** Go to www.reginfo.gov. Click on the "Information Collection Review" tab. Underneath the "Currently under Review" section heading, from the drop-down menu select "Department of Treasury" and then click "submit." This information collection can be located by searching by OMB control number "1557-0349" or "Libor Self-Assessment." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

- For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, Clearance Officer, (202) 649-5490, Chief Counsel's Office, Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each renewal of an existing collection of information, before submitting the collection to OMB for

approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document, which was approved on an emergency basis.

Title: Libor Self-Assessment.

OMB Control No.: 1557-0349.

Type of Review: Regular.

Description: The expected cessation of the London InterBank Offered Rate (Libor) prompted the OCC to create a self-assessment tool for banks to use in preparing for the expected Libor cessation. The self-assessment tool may be used in assessing the appropriateness of a bank's Libor transition plan, in the execution of the plan by its management, and in related matters.

The Intercontinental Exchange Libor is a reference rate that is intended to reflect the cost of unsecured interbank borrowing. Libor is published daily in five currencies with seven maturities ranging from overnight to 12 months. It is used globally in the over-the-counter derivatives market, bonds, loan products, and securitizations. As of the end of 2016, \$199 trillion of financial instruments were exposed to U.S. dollar (USD) Libor as the primary reference rate.

While certain reference rates have ceased to be reported in the past, the significant exposure of the financial markets to Libor creates the need for banks to assess whether they are identifying applicable risks, preparing for the cessation, and successfully transitioning to replacement rates. Libor is referenced globally, and its cessation could affect banks of all sizes through direct or indirect exposure.

There is risk of market disruptions, litigation, and destabilized balance sheets if acceptable replacement rates do not attract sufficient market-wide acceptance or if contracts cannot seamlessly transition to new rates. A bank's risk exposure from expected Libor cessation depends on the bank's specific circumstances. Many community banks may not offer products or services that use Libor. However, community banks could have Libor exposure in positions such as Federal Home Loan Bank (FHLB) borrowings, mortgage-backed securities, or bonds in the banks' investment portfolios.

Libor exposure can exist in all product categories and lines of business, both on or off the balance sheet, and in asset management activities. Risk can also emanate from third-party relationships because Libor is often used in pricing models, financial models, and in other parts of banks' infrastructure, such as core processing.

¹ Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

The ubiquity of Libor, present in over \$200T notional contracts, makes moving off the rate incredibly complicated. Many existing contracts do not include sufficient provisions in the event that Libor becomes unavailable (known as fallback provisions). Without adequate preparation, Libor cessation could cause market disruption and present risks to banks and their customers. In addition, fallback provision language does not sufficiently account for a permanent cessation of Libor. The Federal banking agencies published a statement communicating that banks should discontinue entering into contracts that use USD Libor as a reference rate as soon as practicable and in any event by the end of 2021 (with a few exceptions for orderly market support).²

Given that the OCC expects banks to discontinue making Libor loans by the end of 2021, the prevalence of Libor, and the remaining work to be done within the timeframe described above, the OCC is requesting emergency clearance for this self-assessment tool to be made available to banks due to the immediate need and the brief duration of use, to help banks prepare for Libor-related risk.

Banks may use the self-assessment to determine whether they have risk management processes in place to identify and mitigate their Libor transition risks. Not all sections or questions will apply to all banks. Applicable risks (e.g., operational, compliance, strategic, and reputation) can be identified when scoping and completing Libor cessation preparedness assessments.

Affected Public: Businesses or other for-profit.

Burden Estimates:

Estimated Number of Respondents: 1,096.

Estimated Annual Burden: 8,768 hours.

Frequency of Response: On occasion.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on:

(a) Whether the collections of information are necessary for the proper performance of the OCC's functions, including whether the information has practical utility;

(b) The accuracy of the OCC's estimates of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of information collections on respondents, including through the use of automated collection techniques or other forms of information technology.

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021-05529 Filed 3-16-21; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Customer Complaint Form

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The OCC is soliciting comment concerning the renewal of an existing collection titled "Customer Complaint Form."

DATES: You should submit written comments by May 17, 2021.

ADDRESSES: Commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

• **Email:** prainfo@occ.treas.gov.

• **Mail:** Chief Counsel's Office, Attention: Comment Processing, Office of the Comptroller of the Currency, Attention: 1557-0232, 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

• **Hand Delivery/Courier:** 400 7th Street SW, Suite 3E-218, Washington, DC 20219.

• **Fax:** (571) 465-4326.

Instructions: You must include "OCC" as the agency name and "1557-0232" in your comment. In general, the OCC will publish comments on www.reginfo.gov without change, including any business or personal information provided, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection¹ by the following method:

Viewing Comments Electronically: Go to www.reginfo.gov. Click on the "Information Collection Review" tab. Underneath the "Currently under Review" section heading, from the drop-down menu select "Department of Treasury" and then click "submit." This information collection can be located by searching by OMB control number "1557-0232" or "Consumer Complaint Form." Upon finding the appropriate information collection, click on the related "ICR Reference Number." On the next screen, select "View Supporting Statement and Other Documents" and then click on the link to any comment listed at the bottom of the screen.

For assistance in navigating www.reginfo.gov, please contact the Regulatory Information Service Center at (202) 482-7340.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each renewal of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing

² <https://www.federalreserve.gov/newsevents/pressreleases/files/bcreg20201130a1.pdf>.

¹ Following the close of this notice's 60-day comment period, the OCC will publish a second notice with a 30-day comment period.

notice of the renewal of the collection of information set forth in this document.

Title: Customer Complaint Form.

OMB Control No.: 1557-0232.

Description: The customer complaint form was developed as a courtesy for customers who contact the OCC's Consumer Assistance Group (CAG) and wish to file a formal, written complaint. The form offers a template for consumers to use to focus their issues and identify the information necessary to provide a complete picture of their concerns. Use of the form is entirely voluntary; however, use of the form does help avoid the processing delays associated with incomplete complaints and allows CAG to process complaints more efficiently.

CAG uses the information included in a completed form to create a record of the consumer's contact, capture information that can be used to resolve the consumer's issues, and provide a database of information that is incorporated into the OCC's supervisory process.

Type of Review: Regular.

Affected Public: Individuals.

Number of Respondents: 10,000.

Total Annual Responses: 10,000.

Frequency of Response: On occasion.

Total Annual Burden Hours: 3,333.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Theodore J. Dowd,

Deputy Chief Counsel, Office of the Comptroller of the Currency.

[FR Doc. 2021-05525 Filed 3-16-21; 8:45 am]

BILLING CODE 4810-33-P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date(s).

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202-622-2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202-622-2490; Assistant Director for Licensing, tel.: 202-622-2480; or Assistant Director for Regulatory Affairs, tel.: 202-622-4855.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (<https://www.treasury.gov/ofac>).

Notice of OFAC Actions

On March 10, 2021, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. MON, Khin Thiri Thet (a.k.a. MON, Daw Khin Thiri Thet), Burma; DOB 05 Dec 1981; nationality Burma; Gender Female; National ID No. 12/ MABANA(N)093656 (Burma) (individual) [BURMA-EO14014].

Designated pursuant to section 1(a)(v) of Executive Order of February 10, 2021, "Blocking Property With Respect To The Situation In Burma" ("the Order") for being a foreign person that is the spouse or adult child of any person whose property and interests in property are blocked pursuant to the Order.

2. SONE, Aung Pyae (a.k.a. SONE, U Aung Pyae), Burma; DOB 24 Jun 1984; nationality Burma; Gender Male;

National ID No. 12/ SAKHANA(N)062210 (Burma) (individual) [BURMA-EO14014].

Designated pursuant to section 1(a)(v) of the Order for being a foreign person that is the spouse or adult child of any person whose property and interests in property are blocked pursuant to the Order.

Entities

1. A & M MAHAR COMPANY LIMITED (a.k.a. A AND M MAHAR COMPANY LIMITED), Royal Sinmin Condo Room (1/D), First Floor, Tower-A, Ahlone Township, Yangon Region, Burma; Organization Established Date 16 Jan 2017; Registration Number 110364903 (Burma) issued 16 Jan 2017 [BURMA-EO14014].

Designated pursuant to section 1(a)(vii) of the Order for being a foreign person that is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, the military or security forces of Burma or any person whose property and interests in property are blocked pursuant to the Order.

2. EVERFIT COMPANY LIMITED, City Mall, Corner of Pyay Road And Min Ye Kyaw Swar Road, Level-3, Lan Ma Daw Township, Yangon, Burma; Registration Number 116795779 (Burma) issued 29 Feb 2016 [BURMA-EO14014].

Designated pursuant to section 1(a)(vii) of the Order for being a foreign person that is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, the military or security forces of Burma or any person whose property and interests in property are blocked pursuant to the Order.

3. SEVENTH SENSE COMPANY LIMITED (a.k.a. 7TH SENSE CREATION), Thu Khi Tar Street, No.3 Bauk Htaw (15) Quarter, Yankin Township, Yangon, Burma; Registration Number 119554144 (Burma) issued 03 Apr 2017 [BURMA-EO14014].

Designated pursuant to section 1(a)(vii) of the Order for being a foreign person who is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, the military or security forces of Burma or any person whose property and interests in property are blocked pursuant to the Order.

4. SKY ONE CONSTRUCTION COMPANY LIMITED, Corner of Aung Chan Thar 2nd Street & Pearl Street No. 42, 1st Quarter, Kamaryut TSP, Yangon, Burma; Registration Number 111725152 (Burma) issued 09 Apr 2013 [BURMA-EO14014].

Designated pursuant to section 1(a)(vii) of the Order for being a foreign person who is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, the military or security forces of Burma or any person whose property and interests in property are blocked pursuant to the Order.

5. THE YANGON GALLERY (a.k.a. YANGON GALLERY), People's Park Compound, Near Planetarium Museum, Ahlone Road, Dagon Township, Yangon, Burma; People's Park Compound, Near Planetarium Museum, Ahlone Road, Dagon Township, Yangon, Burma; Phone Number 09 738 27777 [BURMA-EO14014].

Designated pursuant to section 1(a)(vii) of the Order for being a foreign person who is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, the military or security forces of Burma or any person whose property and interests in property are blocked pursuant to the Order.

6. THE YANGON RESTAURANT, People's Park Compound, Near Planetarium Museum, Ahlone Road, Dagon Township, Yangon, Burma; Email Address reservations@theyangonrestaurant.com; Phone Number 95 013 70177; Organization Type: Restaurants and mobile food service activities [BURMA-EO14014].

Designated pursuant to section 1(a)(vii) of the Order for being a foreign person who is owned or controlled by, or has acted or purported to act for or on behalf of, directly or indirectly, the military or security forces of Burma or any person whose property and interests in property are blocked pursuant to the Order.

Dated: March 10, 2021.

Bradley T. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2021-05509 Filed 3-16-21; 8:45 am]

BILLING CODE 4810-AL-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Low Income Taxpayer Clinic Grant Program; Availability of 2021 Supplemental Grant Application Package

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document contains a notice that the IRS has made available a supplemental grant opportunity in

Grants.gov for organizations interested in applying for an 18-month Low Income Taxpayer Clinic (LITC) matching grant. The budget and the period of performance for the supplemental grant will be July 1, 2021–December 31, 2022. The application period runs from March 15, 2021, through April 16, 2021. Organizations currently receiving a grant for 2021 are not eligible to apply.

DATES: All supplemental applications for the 2021 grant year must be filed electronically by 11:59 p.m. (Eastern Time) on April 16, 2021. The IRS is authorized to award multi-year grants not to exceed three years. All organizations must use the funding number of TREAS–GRANTS–052021–002, and the Catalog of Federal Domestic Assistance program number is 21.008. See <https://beta.sam.gov/>. The LITC Program Office is scheduling a conference call to cover the application process the week of March 15, 2021. See www.irs.gov/advocate/low-income-taxpayer-clinics for more details, including registration information.

FOR FURTHER INFORMATION CONTACT: Bill Beard at (949) 575–6200 (not a toll-free number) or by email at beard.william@irs.gov. The LITC Program Office is located at: IRS, Taxpayer Advocate Service, LITC Grant Program Administration Office, TA: LITC, 1111 Constitution Avenue NW, Room 1034, Washington, DC 20224. Copies of the *2021 Grant Application Package and Guidelines*, IRS Publication 3319 (Rev. 5–2020), can be downloaded from the IRS internet site at www.irs.gov/advocate or ordered by calling the IRS Distribution Center toll-free at 1–800–829–3676. (Note, however, that the Distribution Center may be closed due to COVID–19. If so, the publication will only be available online.) A short video about the LITC program is available for your viewing on the IRS website.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Internal Revenue Code (IRC) section 7526, the IRS will annually award up to \$6,000,000 (unless otherwise provided by specific Congressional appropriation) to qualified organizations, subject to the limitations set forth in the statute. Grants may be awarded for the development, expansion, or continuation of low-income taxpayer clinics. For calendar year 2021, Congress appropriated a total of \$13,000,000 in federal funds for LITC matching grants. See Public Law 116–260, (H.R. 133, Consolidated Appropriations Act, 2021).

A qualified organization may receive a matching grant of up to \$100,000 per year. A qualified organization is one that represents low-income taxpayers in controversies with the IRS and informs individuals for whom English is a second language (ESL taxpayers) of their taxpayer rights and responsibilities, and does not charge more than a nominal fee for its services (except for reimbursement of actual costs incurred).

Examples of a qualified organization include (1) a clinical program at an accredited law, business, or accounting school whose students represent low-income taxpayers in tax controversies with the IRS and (2) an organization exempt from tax under IRC section 501(a) whose employees and volunteers represent low-income taxpayers in controversies with the IRS and may also make referrals to qualified volunteers to provide representation. A clinic will be treated as representing low-income taxpayers in controversies with the IRS if at least 90 percent of the taxpayers represented by the clinic have incomes that do not exceed 250 percent of the federal poverty level, taking into account geographic location and family size. Federal poverty guidelines are published annually in the **Federal Register**. See, for example, 86 FR 7732 (Feb. 01, 2021).

In addition, the amount in controversy for the tax year to which the controversy relates generally cannot exceed the amount specified in IRC section 7463 (currently \$50,000) for eligibility for special small tax case procedures in the United States Tax Court. Grant funds may be awarded for start-up expenditures incurred by new clinics during the grant year. IRC section 7526(c)(5) requires dollar-for-dollar matching funds.

Mission Statement

Low Income Taxpayer Clinics ensure the fairness and integrity of the tax system for taxpayers who are low-income or speak English as a second language by providing *pro bono* representation on their behalf in tax disputes with the IRS, educating them about their rights and responsibilities as taxpayers, and identifying and advocating for issues that impact them.

Selection Consideration

Despite the IRS's efforts to foster parity in availability and accessibility in the selection of organizations receiving LITC matching grants and the continued increase in clinic services nationwide, there remain communities that are underrepresented by clinics. Although each supplemental application for the 2021 grant year will be given due

consideration, the IRS will give priority consideration to applications from the following underserved geographic areas and counties that have limited or no service:

Arizona—Gila

Florida—Brevard, Citrus, Flagler, Hernando, Lake, Orange, Putnam, Seminole, Sumter

Idaho—Ada, Adams, Bannock, Bear Lake, Bingham, Boise, Bonneville, Butte, Canyon, Caribou, Clark, Clearwater, Custer, Franklin, Freemont, Gem, Idaho, Jefferson, Latah, Lemhi, Lewis, Madison, Nex Perce, Oneida, Owyhee, Payette, Power, Teton, Washington, Valley

Nevada—Entire State

North Dakota—Entire State

Pennsylvania—Bradford, Clinton, Lycoming, Monroe, Northumberland, Pike, Snyder, Sullivan, Susquehanna, Tioga, Wyoming

Puerto Rico—Entire Territory

West Virginia—Entire State

Wyoming—Entire State

In determining whether to award a grant, the IRS will consider a variety of factors, including: (1) The number of taxpayers who will be assisted by the organization, including the number of ESL taxpayers in that geographic area; (2) the existence of other LITCs assisting the same population of low-income and ESL taxpayers; (3) the quality of the program offered by the organization, including the qualifications of its administrators and qualified representatives, and its record, if any, in providing representation services to low-income taxpayers; (4) the quality of the application, including the reasonableness of the proposed budget; (5) the organization's compliance with all federal tax obligations (filing and payment); (6) the organization's compliance with all federal nontax obligations (filing and payment); (7) whether debarment or suspension (see 31 CFR part 19) applies or whether the organization is otherwise excluded from or ineligible for a federal award; and (8) alternative funding sources available to the organization, including amounts received from other grants and contributors and the endowment and resources of the institution sponsoring the organization.

Applications that pass the eligibility screening process will undergo a Technical Evaluation and must receive a minimum score to be considered further. Details regarding the scoring process can be found in Publication 3319. Applications achieving the minimum score will be subject to evaluation by the Program Office. The

final funding decision is made by the National Taxpayer Advocate, unless recused. The costs of preparing and applying are the responsibility of each applicant. Applications may be released in response to Freedom of Information Act requests. Therefore, applicants must not include any individual taxpayer information. The LITC Program Office will notify each applicant in writing once funding decisions have been made.

An applicant that is selected for an 18-month grant will be required to submit an Interim Report by November 1, 2021, so that the LITC Program Office can assess the clinic's progress in meeting program goals during 2021.

Bridget T. Roberts,

Deputy National Taxpayer Advocate.

[FR Doc. 2021-05487 Filed 3-16-21; 8:45 am]

BILLING CODE 4830-01-P

UNIFIED CARRIER REGISTRATION PLAN

Sunshine Act Meeting; Unified Carrier Registration Plan Board Subcommittee Meeting

TIME AND DATE: March 18, 2021, from Noon to 2:00 p.m., Eastern time.

PLACE: This meeting will be accessible via conference call and via Zoom Meeting and Screenshare. Any interested person may call (i) 1-929-205-6099 (US Toll) or 1-669-900-6833 (US Toll) or (ii) 1-877-853-5247 (US Toll Free) or 1-888-788-0099 (US Toll Free), Meeting ID: 927 8230 1449, to listen and participate in this meeting. The website to participate via Zoom Meeting and Screenshare is <https://kellen.zoom.us/j/92782301449>.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Education and Training Subcommittee (the "Subcommittee") will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement. The subject matter of this meeting will include:

Proposed Agenda

I. Call to Order—Subcommittee Chair

The Subcommittee Chair will welcome attendees, call the meeting to order, call roll for the Subcommittee, confirm whether a quorum is present, and facilitate self-introductions.

II. Verification of Publication of Meeting Notice—UCR Executive Director

The UCR Executive Director will verify the publication of the meeting

notice on the UCR website and distribution to the UCR contact list via email followed by the subsequent publication of the notice in the **Federal Register**.

III. Review and Approval of Subcommittee Agenda and Setting of Ground Rules—Subcommittee Chair

For Discussion and Possible Subcommittee Action

The Subcommittee Agenda will be reviewed, and the Subcommittee will consider adoption.

Ground Rules

- Subcommittee action only to be taken in designated areas on agenda

IV. Review and Approval of Minutes From the February 4, 2021 Meeting—Subcommittee Chair

For Discussion and Possible Subcommittee Action

Draft minutes from the February 4, 2021 Subcommittee meeting via teleconference will be reviewed. The Subcommittee will consider action to approve.

V. Audit Module Development Discussion With the Education and Training Subcommittee—UCR Operations Director

The Subcommittee will discuss and provide updates on development of the Audit Module.

VI. Other Items—Subcommittee Chair

The Subcommittee Chair will call for any other items the committee members would like to discuss.

VII. Adjournment—Subcommittee Chair

The Subcommittee Chair will adjourn the meeting.

The agenda will be available no later than 5:00 p.m. Eastern time, March 12, 2021 at: <https://plan.ucr.gov>.

CONTACT PERSON FOR MORE INFORMATION:

Elizabeth Leaman, Chair, Unified Carrier Registration Plan Board of Directors, (617) 305-3783, eleaman@board.ucr.gov.

Alex B. Leath,

Chief Legal Officer, Unified Carrier Registration Plan.

[FR Doc. 2021-05597 Filed 3-15-21; 11:15 am]

BILLING CODE 4910-YL-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0545]

Agency Information Collection Activity: Report of Medical, Legal, and Other Expenses Incident to Recovery for Injury or Death**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: Veteran's Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 17, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900–0545" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email maribel.aponte@va.gov. Please refer to "OMB Control No. 2900–0545" in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility;

(2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 1503; 38 CFR 3.262, 3.271 & 3.272.

Title: Report of Medical, Legal, and Other Expenses Incident to Recovery for Injury or Death (VA Form 21P–8416b).

OMB Control Number: 2900–0545.

Type of Review: Extension of a currently approved collection.

Abstract: A claimant's eligibility for needs-based pension programs are determined in part by countable family income and certain deductible expenses. When a claimant is awarded compensation by another entity or government agency based on personal injury or death, the compensation is usually countable income for VA purposes (38 CFR 3.262(i)). However, medical, legal or other expenses incident to the injury or death, or incident to the collection or recovery of compensation, may be deducted from the amount of the award or settlement (38 CFR 3.271(g) and 3.272(g)). In these situations, VBA uses VA Form 21P–8416b *Report of Medical, Legal and Other Expenses Incident to Recovery for Injury or Death*, to gather information that is necessary to determine eligibility for income-based benefits and the rate payable; without this information, determination of eligibility would not be possible.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,125 hours.

Estimated Average Burden per Respondent: 45 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 1,500.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021–05507 Filed 3–16–21; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0666]

Agency Information Collection Activity: Information Regarding Apportionment of Beneficiary's Award**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.**ACTION:** Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 17, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900–0666" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266–4688 or email maribel.aponte@va.gov. Please refer to "OMB Control No. 2900–0666" in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the

burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 5307.

Title: Information Regarding Apportionment of Beneficiary's Award (VA Form 21-0788).

OMB Control Number: 2900-0666.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21-0788 is used to collect the information that is necessary to determine whether an apportionment may be authorized and the reasonable amount that may be awarded. Without this collection of information, VA would be unable to properly authorize apportionments of compensation and pension benefits.

No substantive changes have been made to this form. The respondent burden has decreased due to the estimated number of receivables averaged over the past two years.

Affected Public: Individuals and households.

Estimated Annual Burden: 1,606 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 3,211.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021-05483 Filed 3-16-21; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0858]

Agency Information Collection Activity: Authorization and Consent To Release Information to the Department of Veterans Affairs (VA), and General Release for Medical Provider Information to the Department of Veterans Affairs (VA)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before May 17, 2021.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at www.Regulations.gov or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to nancy.kessinger@va.gov. Please refer to "OMB Control No. 2900-0858" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Maribel Aponte, Office of Enterprise and Integration, Data Governance Analytics (008), 1717 H Street NW, Washington, DC 20006, (202) 266-4688 or email maribel.aponte@va.gov. Please refer to "OMB Control No. 2900-0858" in any correspondence.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of

Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: 38 U.S.C. 5101(a)(1).

Title: Authorization and Consent to Release Information to the Department of Veterans Affairs (VA) (VA Form 21-4142), and General Release for Medical Provider Information to the Department of Veterans Affairs (VA) (VA Form 21-4142a).

OMB Control Number: 2900-0858.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21-4142 is used to authorize the disclosure of information to the VA and VA Form 21-4142a is used to gather the necessary information to request medical provider information to the VA. Without the information solicited by these forms, VA would be unable to determine eligibility, and benefits would not be properly paid.

Affected Public: Individuals or Households.

Estimated Annual Burden: 10,616.

Estimated Average Burden per Respondent: 5 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 127,397.

By direction of the Secretary.

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2021-05458 Filed 3-16-21; 8:45 am]

BILLING CODE 8320-01-P

Reader Aids

Federal Register

Vol. 86, No. 50

Wednesday, March 17, 2021

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

Laws **741-6000**

Presidential Documents

Executive orders and proclamations **741-6000**

The United States Government Manual **741-6000**

Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: www.govinfo.gov.

Federal Register information and research tools, including Public Inspection List and electronic text are located at: www.federalregister.gov.

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: fedreg.info@nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, MARCH

11847-12078.....	1
12079-12256.....	2
12257-12514.....	3
12515-12798.....	4
12799-13148.....	5
13149-13442.....	8
13443-13622.....	9
13623-13796.....	10
13797-13970.....	11
13971-14220.....	12
14221-14362.....	15
14363-14524.....	16
14525-14688.....	17

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:

10149.....	11847
10150.....	12515
10151.....	12517
10152.....	12519
10153.....	12523
10154.....	12525
10155.....	12527

Executive Orders:

14017.....	11849
14018.....	11855
14019.....	13623
14020.....	13797
14021.....	13803

Administrative Orders:

Memorandums:	
NSPM-16 of February	
7, 2019 (amended	
by EO 14020).....	13797

Notices:

Notice of March 2,	
2021	12793
Notice of March 2,	
2021	12795
Notice of March 2,	
2021	12797
Notice of March 5,	
2021	13621

5 CFR

532.....	11857, 12799
----------	--------------

Proposed Rules:

849.....	13217
----------	-------

6 CFR

Ch. I.....	13971
------------	-------

7 CFR

983.....	12799
1783.....	14525

Proposed Rules:

800.....	12119
984.....	12837

8 CFR

103.....	14221
106.....	14221
212.....	14221
213.....	14221
214.....	14221
245.....	14221
248.....	14221

9 CFR

Proposed Rules:

Ch. I.....	13221
Ch. III.....	13221
149.....	12293
307.....	12122
350.....	12122
352.....	12122

354.....	12122
362.....	12122
381.....	12122
533.....	12122
590.....	12122
592.....	12122

12 CFR

228.....	13805
302.....	12079
1002.....	14363

Proposed Rules:

700.....	13494
701.....	13494
702.....	13498
703.....	13494, 13498
704.....	13494
713.....	13494
1026.....	12839

13 CFR

120.....	13149
----------	-------

14 CFR

1.....	13629
11.....	13629, 13630
21.....	13630
25.....	14229, 14231, 14233,
	14234, 14237
27.....	14526
39.....	12086, 12802, 12804,
	12807, 12809, 13157, 13159,
	13162, 13165, 13443, 13445,
	13631, 13633, 13637, 13640,
	13805, 13807, 13809, 13811,
	13814, 13972, 13975, 13982,
	13985, 13987, 13989, 14238,
	14241, 14366, 14528, 14531
43.....	13630
47.....	13629
48.....	13629
71.....	11859, 11860, 13168,
	13169, 13171, 13172, 13447,
	13448, 13642, 13644, 13992
89.....	13629
91.....	13629
97.....	12812, 12815, 12816,
	12819
107.....	13629, 13630
401.....	13448
404.....	13448
413.....	13448
414.....	13448
415.....	13448
417.....	13448
420.....	13448
431.....	13448
433.....	13448
435.....	13448
437.....	13448
440.....	13448
450.....	13448
460.....	13448

1264.....	14244
1271.....	14244
Proposed Rules:	
25.....	14387
39.....	12127, 12294, 12550,
	12857, 12862, 13222, 13225,
	13228, 13229, 13232, 13234,
	13237, 13239, 13502, 13505,
	13665, 13828, 13830, 13833,
	13836, 13838, 13841, 14017,
	14020, 14023, 14281, 14283,
	14285, 14289, 14290, 14293,
	14551, 14554
71.....	12129, 12865, 12866,
	12868, 13242, 13244, 13246,
	13247, 13249, 13668, 13670,
	14026, 14293, 14295, 14556
73.....	12552
15 CFR	
740.....	13173
742.....	13173
744.....	12529, 13173, 13179,
	14534
16 CFR	
317.....	12091
17 CFR	
201.....	13645
275.....	13024
279.....	13024
18 CFR	
157.....	12257
Proposed Rules:	
4.....	13506
5.....	13506
35.....	12132
284.....	12132, 12879
19 CFR	
4.....	14245
12.....	13993
Ch. I.....	12534
122.....	14245
123.....	14245
145.....	14245
149.....	14245
20 CFR	
655.....	13995
656.....	13995
Proposed Rules:	
501.....	14557
641.....	14558
655.....	14558
658.....	14558
667.....	14558
683.....	14558
726.....	14558
802.....	14558
21 CFR	
510.....	13181
516.....	13181
520.....	13181
522.....	13181
524.....	13181
526.....	13181
529.....	13181
556.....	13181
558.....	13181
1308.....	11862, 12257
Proposed Rules:	
1308.....	12296

22 CFR	
Proposed Rules:	
213.....	11905
24 CFR	
28.....	14370
30.....	14370
87.....	14370
180.....	14370
3280.....	13645
3282.....	13645, 14370
3285.....	13645
26 CFR	
1.....	12821, 13191, 13647,
	13648
Proposed Rules:	
1.....	12886, 13250
29 CFR	
780.....	12535
788.....	12535
795.....	12535
4044.....	14280
Proposed Rules:	
7.....	14558
8.....	14558
18.....	14559
22.....	14558
24.....	14558
26.....	14558
29.....	14558
37.....	14558
38.....	14558
96.....	14558
103.....	14297
417.....	14558
458.....	14558
500.....	14558
525.....	14558
530.....	14558
580.....	14558
780.....	14027
788.....	14027
791.....	14038
795.....	14027
1978.....	14558
1979.....	14558
1980.....	14558
1981.....	14558
1982.....	14558
1983.....	14558
1984.....	14558
1985.....	14558
1986.....	14558
1987.....	14558
1988.....	14558
2204.....	13251
31 CFR	
16.....	12537
27.....	12537
35.....	13449
50.....	12537
501.....	14534
510.....	14534
535.....	14534
536.....	14534
539.....	14534
541.....	14534
542.....	14534
544.....	14534
546.....	14534
547.....	14534
548.....	14534

549.....	14534
552.....	14534
560.....	14534
561.....	14534
566.....	14534
576.....	14534
583.....	14534
584.....	14534
588.....	14534
592.....	14534
594.....	14534
597.....	14534
598.....	14534
33 CFR	
100.....	13998
117.....	12821
165.....	12539, 12541, 12543,
	13649, 13651, 13653
Proposed Rules:	
96.....	11913
165.....	12887, 14389
34 CFR	
Proposed Rules:	
Ch. III.....	12136, 14048, 14374
361.....	13511
37 CFR	
210.....	12822
39 CFR	
230.....	14539
40 CFR	
49.....	12260
52.....	11867, 11870, 11872,
	11873, 11875, 11878, 12092,
	12095, 12107, 12263, 12265,
	12270, 12827, 13191, 13655,
	13658, 13816, 13819, 14000,
	14007, 14541
62.....	12109, 13459
63.....	13819
81.....	12107
141.....	12272, 14003
180.....	12829, 13196, 13459
271.....	12834
282.....	12110
Proposed Rules:	
49.....	14392
52.....	11913, 11915, 12143,
	12305, 12310, 12554, 12889,
	13254, 13256, 13260, 13264,
	13511, 13514, 13671, 13679,
	13843, 14055, 14061, 14297,
	14299, 14392, 14396
62.....	11916
81.....	12892
141.....	13846, 14063
257.....	14066
271.....	12895
282.....	12145
414.....	14560
751.....	14398
41 CFR	
Proposed Rules:	
60–30.....	14558
42 CFR	
405.....	14542
Proposed Rules:	
51c.....	13872
100.....	14567

43 CFR	
8365.....	14009
44 CFR	
64.....	12117, 14545
Proposed Rules:	
206.....	14067
45 CFR	
1230.....	13822
2554.....	13822
Proposed Rules:	
160.....	13683
164.....	13683
46 CFR	
401.....	14184
404.....	14184
Proposed Rules:	
71.....	11913
115.....	11913
176.....	11913
47 CFR	
0.....	12545
1.....	12545
25.....	11880
27.....	13659
74.....	13660
Proposed Rules:	
1.....	12146, 12312, 12556,
	12898
2.....	13266
9.....	12399
15.....	13266
25.....	13266
27.....	12146, 13266
63.....	12312
73.....	12161, 12162, 12163,
	12556, 12898, 13278, 13516,
	13684, 14401
101.....	13266
48 CFR	
Ch. 1.....	13794
4.....	13794
52.....	13794
49 CFR	
191.....	12834
192.....	12834, 12835
209.....	11888
211.....	11888
389.....	11891
Ch. XII.....	13971
Proposed Rules:	
571.....	13684
50 CFR	
17.....	11892, 13200, 13465
300.....	13475
635.....	12291, 12548, 13491
648.....	13823, 14012
622.....	14549
660.....	13824, 14379
679.....	11895, 13215, 13493,
	14013, 14014, 14015
680.....	11895
Proposed Rules:	
17.....	12563
223.....	13517, 13518
226.....	13517, 13518
622.....	12163, 12166
648.....	12591
660.....	14401

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List March 15, 2021

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to [https://](https://listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1)

listserv.gsa.gov/cgi-bin/wa.exe?SUBED1=PUBLAWS-L&A=1

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service.

PENS cannot respond to specific inquiries sent to this address.